



KITAABUZ ZAKAAT

**A treatise on the
laws of Zakaat**

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Contents

Introduction	i
Introduction To Islam's Third Tenet	i
Zakaat Is A Devotional Act, Not A Tax	ii
Zakaat Is The Haqq Of The Poor	iii
Definition Of Zakaat	iii
Explanation Of Terms Used In This Booklet	iv
Section 1: The Zakaat Payer	1
Rules Pertaining To The Above	2
Section 2: The Wealth Of Zakaat	4
Sect 2.1: Wealth On Which Zakaat Is Payable.....	4
The Nisaab.....	5
The Nisaab Amounts	5
The Nisaab Of Gold.....	5
The Nisaab Of Silver.....	5
Zakaat Is Calculated According To The Silver Nisaab.....	6
Why Is Zakaat Not Calculated According To The Value Of Gold?.....	6
Important Note On Nisaab.....	7
Sect 2.2: Details Of The Six Types Of Zakaatable Wealth.....	8
1. Cash - Currencies.....	8
2&3. Gold And Silver Rules	10
4. Zakaat On Merchandise/Stock.....	13
5. Livestock	14
Zakaat On Sheep And Goats.....	15

Zakaat On Camels	19
Zakaat On Horses	19
6. The Nisaab Of Farm Crops.....	20
Ushri Land	21
Kharaaji Land.....	22
South African Farmlands	23
Zakaat On Haraam Wealth.....	25
Zakaat On Loans And Outstanding Debts.....	25
Zakaat On Loans And Debts	26
The First Type:	26
The Second Type Of Loan	28
The Third Type Of Loan/Debt.....	28
The Zakaat Ruling For The Medium Level Loan And The Weak Loan (Types 2 And 3):.....	28
Advice On Loans	29
Zakaat On Unpaid Loans Is Deductible.....	29
Off-Setting Zakaat Against A Loan.....	30
Pawned Items.....	30
Bail Money/Securities	31
Amaanat Or Trust Money	31
Money In A Trust Account.....	32
Zakaat On Deposits, Advanced Rentals And Payments	33
Frozen Assets	34
Inheritance And Zakaat Rules.....	34
Money In Bank Accounts	36

Zakaat On Awaited Stock.....	36
Provident/Pension Funds/Retirement Annuities.....	37
1&2. The Pension And Provident Fund	37
The Shar'ee Rulings On The Above.....	37
3. The Retirement Annuity.....	38
The Shar'ee Ruling On This Fund	38
4. The Preservation Fund	39
The Shar'ee Ruling On This Fund	39
Zakaat On Insurance	40
Zakaat On Shares	40
Lost And Stolen Wealth	41
Zakaat On Consumables.....	41
Wealth On Which Zakaat Is Not Waajib.....	42

Sect 2.2: The Wealth That Has To Be Paid Out In Zakaat 45

Important Note When Paying Zakaat In Kind	45
Rules Pertaining To The Fulfillment And Payment Of Zakaat ..	46
The Niyyat (Intention) Of Zakaat	46
Easy Guidelines For The Discharge Of Zakaat	48
Zakaat Calculation Table	50
Deducting Debts For Zakaat Purposes	50
Other Deductible Debts And Dues	51
Calculating Zakaat For Past Years	52
Feeding Schemes And Zakaat	54
Mixing Zakaat With Lillah In Soup Kitchens	55
Distribution Of Food Hampers.....	56

Section 3: The Recipients Of Zakaat	57
Avenues For Zakaat Disbursement In The Holy Quran	57
Details Of The Eight Categories	59
Distribution Of Sadaqah To Kuffar	60
1 & 2. Fuqaraa And Masaakeen	61
3. The ‘Aamileen Of Zakaat	61
4. Al-Muallafatul Quloob	63
5. Emancipation Of Slaves	65
6. Debtors – Paying Debts With Zakaat	65
7. Fee Sabeelillah	67
8. The Wayfarer – A Musaafir	68
General Rules On Zakaat Distribution And Recipients	69
Zakaat To Relatives	70
Zakaat To People Who Own Redundant Items	70
Zakaat Given In Error To An Undeserving Recipient	71
Giving Zakaat To People Of False Sects	73
Sadaqatul-Fitr	74
The Purpose Of Fitrah	74
Conditions For The Sadaqatul-Fitr Obligation	74
The Fitrah Amount	76
The Recipients Of Fitrah	76
Bibliography	77

INTRODUCTION

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

INTRODUCTION TO ISLAM'S THIRD TENET

The five major tenets of Islam can be categorized into three types: Physical, Monetary, both Physical and Monetary. The first (only physical) is found in the forms of salaah and fasting, while the second (monetary) is found in zakaat, and the third (both physical and monetary) is in Hajj. This unique systemization of acts of worship is Allah's way of testing his servants, and by varying the types of Ibaadaat, the rewards of the servants are increased manifold. The servants are tested in terms of their physical commitment to Allah's Law, as well as their monetary commitment. The height of such commitment is found in Hajj, where the servant of Allah has to sacrifice both money and physical effort.

Like salaah, zakaat is an injunction that was given to all the Prophets and nations before. The amount that had to be paid in zakaat, as well as the recipients may have differed for nations of the past, but they all were commanded to execute this injunction of Allah Ta'ala.

Zakaat is the third pillar or tenet of Islam, and is, therefore an important faradh of Shariah. Zakaat was ordained for this ummah about five years before the Hijrat of our Rasool ﷺ, alongside salaah. That is why Zakaat has been mentioned together with salaah in 26 places in the Holy Quran, and in 7 more places on its own. In addition, the Quran Shareef speaks abundantly about sadaqah in

general, which includes zakaat. Surah Muzzammil is a Makki surah and was revealed in the early stages of Islam. It contains the command: “*And establish salaah and pay the zakaah*”. This indicates that zakaat was ordained for this Ummat during the time when Rasoolullah ﷺ was still in Makkah. The coupling of zakaat with salaah, and the fact that the Sahaaba رَضِيَ اللَّهُ عَنْهُمْ were commanded to give zakaat even during times of adversity, which is what they experienced in Makkah Mukarramah, leave no doubt as to the importance Islam has attached to zakaat.

In the early stages of Islam there was no fixed amount to give in zakaat. Instead, the Sahaaba رَضِيَ اللَّهُ عَنْهُمْ were required to give out in zakaat any excess wealth that they retained after spending on their own needs and the needs for their families. Reference is made to this in verse 219 of Surah Baqara. In those days, it was the general practice of the Sahaaba-e-Kiraam رَضِيَ اللَّهُ عَنْهُمْ to give away whatever remained after spending on their necessary needs. They never hoarded or saved up wealth. Afterwards, this changed when the details of zakaat were revealed to Rasoolullah ﷺ. Allah Ta’ala then prescribed a fixed amount of zakaat (as referenced in verse 19 of Surah Zhaariyaat, and verses 24 and 25 of Surah Ma’aarij). Towards the end of this treatise, we will discuss verse 60 of Surah Taubah that describes the recipients of zakaat. Many other details pertaining to zakaat were sent down by Allah Ta’ala, all of which are found in the Hadeeth-e-Mubaraka of Allah’s Messenger ﷺ.

ZAKAAT IS A DEVOTIONAL ACT, NOT A TAX

It must be born in mind that the injunction of zakaat is not a tax on the wealth of Muslims. This is purely and solely an act of worship, an act of Ibaadat that Allah has prescribed for His servants, subject to

certain conditions. When paying zakaat Muslims should do so with a happy and open heart, believing that they are fulfilling the Commandment of Allah Ta'ala.

Mas'ala: For the above reason, it will not be permissible to offset zakaat with income tax or any other form of State tax. In other words, zakaat will not be discharged if one paid governmental tax and counted that as zakaat, even in the context of a Muslim government.

ZAKAAT IS THE HAQQ OF THE POOR

In Surah Zaahriyaat, verse 19, Allah Ta'ala states: *“And in their wealth there is a fixed due for those who beg and for those who remain deprived (since they chose not to beg)”*. A similar reference is found in Surah Ma'aarij (verse 24 and 25). This tells us two things: one, that the amount of zakaat to be paid out is fixed by Allah Ta'ala, but details were provided by Rasoolullah ﷺ; two, that this zakaat is a haqq or right due to the poor and destitute. A zakaat payer is, therefore, not doing the poor a favour when he or she pays out zakaat. Instead, it's the other way around. The poor has done them a favour by accepting the zakaat and relieving them of this important burden.

One who rejects zakaat and does not regard it to be faradh is out of the fold of Islam. One who fails to pay zakaat out of negligence or niggardliness, while believing it to be a faradh injunction, remains a Muslim but is a faasiq or major sinner.

DEFINITION OF ZAKAAT

The word zakaat has several literal meanings, such as to cleanse or purify, to praise, barakah, excess, etc. This word is used in the Quran-e-Kareem in the meaning of 'purity' or 'purification', as well as in the

meaning of charity. The act of charity is called Zakaat because when taken out and distributed, it purifies the wealth of the giver. This is why zakaat may not be given to the family of Rasoolullah ﷺ; since this wealth constitutes the filth that is separated from one's halaal wealth, it cannot be given to the esteemed family of our Nabi. This is also one of the reasons why zakaat is not waajib on the wealth of the Ambiyaa ﷺ; whatever the Messengers of Allah own is pure and free from any form of contamination. There is, therefore, no need for them to 'cleanse' their wealth.

EXPLANATION OF TERMS USED IN THIS BOOKLET

Wealth: This term will sometimes be used in a general sense. The reference will be to all types of wealth that fall into the zakaat category. So, it will include cash currencies, gold, silver, merchandise, stock, livestock, etc.

Nisaab: The minimum value of wealth one should possess for zakaat to become compulsory.

Waajib: Compulsory or obligatory

Faradh: Compulsory or obligatory

Zakaat: A waajib charity of a specified amount. Details will appear further on. Sometimes this is pronounced as ZAKAAH. Both have the same root letters and the same meaning. In the first case, the round TAA at the end is pronounced as a HAA, as is the rule in Arabic when stopping at the end of a word. In this booklet we will use the commonly known term, Zakaat.

Sadaqah: Generally, this refers to optional or nafl charity. However, in the Quran and Hadeeth this term is also used to mean the compulsory Zakaat. In this booklet, however, we will use this to refer to the optional forms of charity, except where a specific definition appears.

The laws of zakaat in this booklet are discussed in three different sections:

- *The first section deals with zakaat laws pertaining to the zakaat payer.*
- *The second deals with zakaat rules pertaining to the wealth on which zakaat is being paid*
- *The third deals with rules that apply to the recipients of zakaat.*

Insha-Allah, all the main rules of zakaat will be covered in these three categories.

At the end there is a section that deals with Sadaqatul-Fitr.

SECTION 1: THE ZAKAAT PAYER

This section will explain who is obliged by Shariah to pay zakaat.

The following are the conditions for a person to become liable for zakaat. If these conditions are found in any individual, zakaat becomes compulsory on that individual

- 1) **Bulough (Puberty):** The zakaat payer must be baaligh. There is no zakaat on a naa-baaligh (minor) child. (That is, a child who has not yet attained the age of puberty)
- 2) **Sanity:** The person paying zakaat must be sane. Zakaat is not compulsory on one who is insane, regardless of how much wealth that individual owns.
- 3) **Islam:** Zakaat is not faradh on a kaafier or non-Muslim. The zakaat giver must be a Muslim.
- 4) **Nisaab:** The individual must be in possession of the nisaab of zakaat, and this nisaab should remain in that person's possession for 12 islamic months. (The nisaab and passing of 12 Islamic months will be explained in the next section.)
- 5) **Having knowledge of the obligation of zakaat:** This applies to new Muslims, or Muslims who live in countries where there is no access to Islamic knowledge, or Muslims living in remote places where there is no Islam at all. Thus, they have no teacher or Muslim guide to provide them with Islamic knowledge. If such people were truly unaware that zakaat must be paid from their wealth, the obligation of zakaat is waived for them until such time that they learn about zakaat.

RULES PERTAINING TO THE ABOVE

- a. Zakaat is compulsory on both male and female, if the above conditions are found.
- b. When a girl or boy reaches the age of puberty whilst being in possession of the nisaab, the 12-month period for him or her starts from that point onwards. (That is, from the day of reaching puberty)
- c. If a kaafier embraces Islam and is in possession of the nisaab of zakaat, his or her Islamic year begins from that day onwards.
- d. When an insane person (whether suffering permanent or temporary insanity) regains his or her sanity at any stage, the zakaat year for that individual begins from the day of recovery.
- e. If a person suffers intermittent bouts of insanity – losing sanity at times, and becoming normal at times – then for zakaat purposes we need to consider the person's condition for the major part of the Islamic year (that is, more than six months). If such a person remains normal and sane for more than six months of the Islamic year, even by one day, zakaat will be faradh if the nisaab of zakaat was in his or her possession for the entire year. But if the cumulative period of insanity for that individual was six months or more then zakaat will not be faradh on such a person.
- f. A Muslim who was never taught anything about zakaat, will not be required to pay zakaat for past years if such an individual was in possession of the nisaab. However, from the day a person learnt that zakaat is faradh, the zakaat year will commence henceforth and zakaat will be payable at the end of 12 Islamic months.

- g. The Muslim who suffers from advances stage of dementia or Alzheimer's disease will be considered in the same bracket as an insane person, and the same rules as mentioned in paragraphs (d) and (e) shall apply.

SECTION 2: THE WEALTH OF ZAKAAT

This comprises two aspects.

- (1) **The wealth on which zakaat has to be paid. This will be numbered as Sect 2.1**
- (2) **The actual wealth that is paid out in zakaat. This will be numbered Sect 2.2**

SECT 2.1: WEALTH ON WHICH ZAKAAT IS PAYABLE

Basically, there are six (6) types of wealth on which zakaat has to be paid. These are:

1. Cash: This refers to cash in one's possession, or cash in a bank account or savings account

2&3. Gold and silver in any form: This includes coins, cutlery, nuggets, jewellery, pure gold or silver watches, gold and silver teeth.

4. Stock-in-Trade: This refers to merchandise of any sort that was purchased with the intention of resale. Such merchandise can range from detergents and cosmetics a woman sells from her home, to stock in large supermarkets or chain stores; in short, whatever a person has required for resale with profit, is assessable for zakaat.

5. Livestock: This refers to cattle, camels, sheep, and goats that are reared mainly for breeding. If a farmer trades in livestock (by buying and reselling animals) then such animals fall under the category of trade stock for zakaat purposes.

6. Farm crops: This refers to certain types of lands that Shariah has defined as *Ushri* and *Kharaaj*. Details shall appear later.

THE NISAAB

Nisaab means the minimum amount of wealth upon which zakaat becomes obligatory. The condition is that this amount of wealth must remain in one's possession for twelve Islamic months. One who owns wealth equal to, or more than the nisaab, for twelve Islamic months must pay zakaat on that wealth by the end of the twelve-month period.

The word nisaab is also used to refer to the entire wealth on which zakaat has to be paid, whether it is equal to, or more than the minimum amount.

The nisaab amounts

There are two basic nisaab amounts or two 'nisaabs' on which the zakaat calculation is based. One is the nisaab of gold, the other is the nisaab of silver. The basis of the nisaab amounts is mentioned in the hadeeth of Rasoolullah ﷺ. It must be noted that the nisaabs that are mentioned below were fixed by Rasoolullah ﷺ and are established through authentic and sound narrations. These nisaab will never change.

The nisaab of gold

For gold Rasoolullah ﷺ stipulated a weight of 20 mithqaal. The mithqaal was a weight used in former times. One mithqaal is equal to 4.373 grams. Therefore, 20 mithqaal is equal to 87.48 grams. The nisaab of gold is, therefore, 87.48 grams.

The nisaab of silver

For silver Rasoolullah ﷺ fixed a nisaab of 200 dirhams. The dirham was a coin of pure silver that was used by the Sahaaba and

remained in vogue for several centuries thereafter. The weight of 200 dirhams is 612.36 grams. Therefore, in today's times the nisaab of silver is 612.36 grams.

Zakaat is calculated according to the silver nisaab

The nisaab for zakaat is usually calculated according to the nisaab of silver. This is done by calculating the value of the silver nisaab in rands (within the South African context). For example, currently (at the time of this writing) the silver price is R12.36 per gram. Therefore, 612.36 grams of silver equals to R7,568.77. This then, is the nisaab of silver.

Based on the above, the nisaab of cash rands will be R7,568.77. If anyone has this amount or more in cash, gold, silver, or stock for resale, for a period of twelve Islamic months, zakaat will have to be paid on that wealth.

NOTE: The nisaab of silver will change according to the fluctuation in the price of silver. A Google search for silver prices will enable one to get the current price of silver in rands per gram. Multiply this price by 612.36 grams and the zakaat nisaab will be ascertained.

Why is zakaat not calculated according to the value of gold?

The gold price is always expensive. For example, 18 or 21 carat gold averages between R750 and R800 per gram. Therefore, 87.48 grams of gold, even at the lowest price, amounts to a whopping R65,610. If the nisaab is set at this price, thousands of Muslims will not be paying zakaat at all, for they do not possess such a large nisaab. Eventually this will be a loss to the poor and needy. One of the principles of zakaat in Fiqh is that it must be calculated in a way that is more beneficial to the poor. It is evident that opting for the silver value is

more beneficial because then there are more zakaat-payers, which in turn means more zakaat for the needy.

Important note on nisaab

If one who has more than one type of zakaatable wealth from among the six types mentioned earlier, the value of each type must be calculated separately, and then all the values must be added together. The total will constitute one's zakaatable assets. In such a case, it is not necessary for each type of wealth to be equal to nisaab. If the collective amount equals nisaab, that will be enough to make zakaat compulsory.

Look at the following example: a person owns stock in his business, cash money in the bank or cash at home, and some silver coins. This individual must calculate the value of his stock, the cash money, and the value of the silver; then zakaat must be paid on the total amount. In this case, assuming the silver and cash were not equal to the nisaab, but when adding the value of the stock, the total value of these three categories of wealth is equal or more than the nisaab, then zakaat becomes waajib on the entire amount.

However, if a person has only one type of wealth, then for zakaat to be waajib, that one type must be equal to or more than the nisaab. For example, a lady has only gold jewellery; no cash and no other form of zakaatable wealth, then the gold jewellery must meet the required nisaab (which is the weight of 87 grams). If that gold is less than 87 grams, zakaat will not be waajib on her, even if the rand value of gold runs into tens of thousands. Similarly, in livestock the nisaab is 40 sheep. A person owns 20 sheep and no other zakaatable assets; in this case, zakaat will not be waajib, even though the value of 20 sheep might run into thousands of rands.

SECT 2.2: DETAILS OF THE SIX TYPES OF ZAKAATABLE WEALTH

1. *Cash - currencies*

- 1) As mentioned earlier, cash currency will be valued according to the nisaab of silver. If one has cash money of any currency, either on hand or in bank account, or savings account for one Islamic year, and the value is equal to the nisaab of silver, zakaat will be faradh at the end of that year.
- 2) Cash refers to any type of currency that is in vogue, regardless of which country one lives in. Therefore, zakaat will be waajib on rands, dollars, pounds, rupees, riyals, Euros, etc. In short, zakaat is waajib on the currency of any country if such currency is in vogue and has got value.
- 3) When calculating zakaat on foreign currency one has to get the value of that currency in local money. For example, one living in South Africa shall have to obtain the rand value of dollars, riyals, euros, etc.
- 4) When evaluating currency, the price of the currency that prevails on the day that zakaat is due must be taken into account.
- 5) Zakaat is waajib on cash that one has on hand, i.e., in one's possession at home or in a safe, as well as on money that is in the bank, such as in a savings account, and on money that is owed to the zakaat-payer. (Zakaat on debts will be explained later)

- 6) **Note:** Zakaat is waajib on cash money when it is equal to the nisaab, or it is more than the nisaab, and it remains in one's possession for one Islamic year, i.e., 12 Islamic months.
- 7) This nisaab must be found at the start and at the end of the Islamic year, even though it may have dropped to below the nisaab during the course of the year. To illustrate this, we provide a simple example.
- 8) **Example:** At the start of the Islamic year, one possessed a sum R10,000 (in cash or bank account). This amount is more than the nisaab, so the zakaat year has begun. After 6 months, half that amount was spent out. This means the cash dropped to below the nisaab during the middle of the year. Later on, one month before the zakaat year ends, one received an amount of R10,000, thus bringing the total amount to R15,000, which is above the nisaab. When the Zakaat year ends, one shall have to pay zakaat on the whole amount of R15,000.
- 9) In short, the zakaat payer does not have to worry about the increase or decrease in his or her funds during the course of the Islamic year. As long as the nisaab amount or more is found at the start AND at the end of the Islamic year, zakaat is payable on the net amount in one's possession at the end of the Islamic year.
- 10) If one possessed the nisaab amount at the start of the Islamic year, but later in the year all the money was used up. In that case, the earlier nisaab is cancelled and zakaat will not be payable. If a further sum of money is acquired after that, the Zakaat year will start from that point onwards.
- 11) The zakaat money may also be converted to goods and distributed to the poor. One may purchase clothing, meat,

groceries, fruit, vegetables, bedding, books, Qurans, kitabs, etc with zakaat money and give these items to the poor instead of the cash.

- 12) **PAYING ACCOUNTS OF THE NEEDY:** It is permissible to pay off debts and accounts of those who are in need. [More](#) of this will appear under rules of zakaat distribution.
- 13) For zakaat on [debts](#), [retirement annuities](#), etc., see the end of this section.

2&3. Gold and silver rules

- 1) Zakaat is waajib on any form of gold and silver, such as: jewellery, coins, silver cutlery, watches made from pure gold and silver, gold or silver nuggets, gold or silver teeth, the golden nib of a pen, etc.
- 2) Nowadays gold jewellery is marketed in different colours, such as yellow gold, white gold, rose (or red) gold, etc. It must be noted that zakaat is waajib on all these types of gold.
- 3) **GOLD COLOURS:** Here follows a brief explanation of gold that comes in different 'colours'. The original or basic colour of gold is yellow. However, in the manufacture of gold jewellery, the gold is mixed with other metals, such as silver, copper, rhodium, etc. This mixture is referred to as an alloy. To make gold jewellery more practical and durable it is alloyed with other metals. Different alloys are used for greater strength, durability and colour range. **Yellow gold** is alloyed with silver and copper. It is the most frequently used type of gold there is. **Rose (red) gold** is alloyed with copper, and perhaps silver. The proportions are about one part of copper to three parts of 24-karat gold. **White gold** is alloyed with

silver and a selection of other white metals. The percentage of gold naturally varies, according to the amount of other metal used.

- 4) If gold is mixed with another type of metal and the gold is in the majority then zakaat is waajib on such an item. The whole item will be considered as gold. (See [Mas'ala no 11](#) further on)¹¹)
- 5) Earlier the nisaabs of gold and silver were mentioned. For zakaat payment one must take into account the current market value of gold and silver items. This means the current value at the time of paying zakaat.
- 6) If one has only gold; no silver, no cash, or other commodities among the aforementioned six, then the weight of the gold must be taken into account. If that gold weighs 87 grams or more then zakaat will be waajib on the value of that gold. If its weight is less than 87 grams, zakaat will not be waajib, regardless of how much the value of such gold amounts to.
- 7) If one has only silver; no gold, no cash, nor other commodities of zakaat then the weight of the silver must be taken into consideration for zakaat purposes. If that silver is 612 grams or more, zakaat will be waajib; if less, then zakaat is not waajib.
- 8) If one has some gold and some silver, then both values have to be added together. Once the value of the gold and silver is ascertained, the total amounts must be added together and two and half percent of this amount will be the zakaat due of that year.

GOLD AND SILVER JEWELLERY

- 9) Zakaat is waajib on all carats of gold from 14 upwards. This will include 14 carat, 18 carat, 21, carat, and 22 carat of gold jewellery. The purest form of gold is 24 carat, but is seldom used in jewellery due to it being too soft for prolonged use. In all the above mentioned carats, the gold makes up the major part of the jewellery. (Also see [Mas'ala No. 4](#) in this section.)
- 10) In order to calculate zakaat on gold and silver jewellery, the jewellery must be weighed by a jeweller. The weight will include any diamonds or precious stones on the rings and earrings. As stated in [Mas'ala No. 5](#) above, the current market value of the gold or silver must be taken into account in order to determine the amount that is waajib in zakaat. For example, if the weight of gold jewellery is 100 grams, then the woman will have to determine the value of 100 grams of gold, and then calculate two and half percent of that amount. To obtain the market value of gold, one may contact the local Ulema council, or visit this website. Note that for our purposes we must consider the “buying” price of gold. That is, the price that we would get for selling gold.
- 11) **ZAKAAT ON GOLD COINS:** A general rule to remember is that coins that have a major content of gold are considered as completely gold. For example, if a coin has 70 percent gold, and 30 percent nickel or copper, such a coin will be considered as completely gold.
- 12) The most common gold coin in our circles today is the Kruger Rand. However, the rule mentioned ahead applies to any gold coin that one purchases or owns. When determining the value

of gold coins for zakaat purposes, one has two options: one is to take the value of the coin in weight. This is done by multiplying the weight of the coin by the current market price of gold. The second option is to take the wholesale price of the coin, which is the price a coin dealer will pay to buy the coin from you. One may use either of the two values when calculating zakaat.

4. Zakaat on merchandise / stock

Merchandise or stock-in-trade means any item that was purchased or acquired with the intention of reselling, whether it was for a business or a private sale.

Stock must be valued for purposes of zakaat. The question that traders are always faced with is whether stock should be valued according to the retail price of the stock, or its cost price. Retail price is the price at which the trader sells it in his business, while cost price is what the supplier or wholesaler charges.

Nowadays the retail price of goods is not fixed but fluctuates quite drastically from seller to seller, especially with the culture of discounting prices prevalent in our business societies. Chain stores have a much lower retail price than corner shops. Furthermore, the value of wealth for zakaat purposes is based on the principle of appreciation. Whichever value becomes the benchmark of wealth appreciation is considered the basis for zakaat evaluation.

In business, the retail price is not always a proper reflection of the value of one's stock, because of the discount syndrome. If a business owner sells up his entire stock, he would never realize the retail value of his stock. Therefore, from a fiqhi (Juristical) point of view, we should consider the **current market value** of stock for calculation of

zakaat, which is the value prevalent among wholesalers. This means that at the time of calculating zakaat, the shopkeeper should find out the current wholesale value of his stock. He must take into consideration the price he would pay for the same stock had he bought it from his normal suppliers at that point in time. This would represent a fair basis for the calculation of zakaat on stock, for it protects the shopkeeper as well as the poor.

5. *Livestock*

The nisaab of livestock has also been fixed by Rasoolullah ﷺ in his ahadeeth. In fact, a special table to calculate zakaat on livestock was prepared by Rasoolullah ﷺ. This became the official livestock calculation table that was sent to some of the provinces in the Arabian Peninsula, such as Bahrain and Yemen. The Caliphs after Rasoolullah ﷺ continued using this document and distributed it widely. Hereunder follows some basic rules and calculations for livestock.

Livestock in the zakaat context refers to **Sheep, Goats, Oxen (bulls and cows), buffaloes, and camels**. In certain cases, zakaat is compulsory on **horses** also, as we shall explain later.

The livestock for zakaat purposes must be saaimah, that is, free-grazing, as explained further.

The standard conditions of nisaab and the passing of one year that apply to other forms of zakaatable wealth, also apply to livestock. Besides these, the following conditions must also be found for zakaat to be waajib on animals:

- a) The animals must graze freely, on their own for the major part of the year, that is, for more than six months.

- b) The animals must be kept only for breeding, or for its milk, or for purposes of fattening.

If these animals graze for six months of the year, and are fed with grain, hay, or silage for the other six months, they will not be termed *saaimah*; hence, zakaat will not be waajib on these animals. Likewise, if the livestock are being fed with fodder, hay, etc., for more than six months of the year, zakaat will not apply.

If the farmers cuts grass or purchases grass and feeds it to his animals in their kraals (pens or enclosures) for more than six months of the year, then too, zakaat will not be levied on such animals.

If livestock are bred for purposes of resale, then this will fall under merchandise or stock. In this case, for zakaat calculations the rules of stock-in-trade will be used, as mentioned earlier.

If a *saaimah* animal is sold during the course of the year, zakaat on that animal falls away. Zakaat in such an animal is no longer waajib.

If the farmer decides to start selling his stock of *saaimah* animals, then from that date onwards a new year for zakaat will apply, and this zakaat shall be calculated on the basis of stock or merchandise.

There is no zakaat on animals that have been made waqf. “Waqf” animals are those that have been made waqf for its milk or wool or meat to be distributed to the poor, or cattle that are used to irrigate waqf lands, etc.

NISAABS OF ZAKAAT FOR LIVESTOCK

ZAKAAT ON SHEEP AND GOATS

Sheep and goats are in one category. The nisaab for both are the same, and both type of animals will be combined when calculating zakaat.

The basic nisaab for goats and/or sheep is 40. If one has 40 sheep or goats then 1 sheep or goat has to be given in zakaat. The zakaat remains the same up to 120. Thereafter, when the number of goats/sheep reaches 121, two sheep or goats will be waajib. This zakaat remains the same up to 200. From 201 to 399, three sheep/goats are waajib. Thereafter in every 100 above 400, one sheep or goat will be waajib. Below is table that illustrates this calculation:

NISAAB	ZAKAAT AMOUNT
40 to 120 sheep/goats	1 sheep/goat
121 to 200 sheep/goats	2 sheep/goat
201 to 399 sheep/goats	3 sheep/goat
400 sheep/goats	4 sheep/goats
After 400, one animal is waajib in every 100	

If one has a mixture of sheep and goats, the combined total will be taken into consideration. Each breed will not be counted separately. For example, if one has 40 goats and 40 sheep, the total of 80 will be considered for zakaat, so one sheep or goat will be payable in zakaat. It will not be said that there are two separate nisaabs of 40 each, which will result in 2 animals becoming waajib in zakaat.

Likewise, if one has 20 goats and 20 sheep, the combined total of 40 will be considered. Therefore, one animal will be waajib in zakaat. The goats and sheep will not be counted separately, and it will not be said that each breed is under the nisaab of 40.

When giving zakaat on a combined nisaab of goats and sheep, one has three options: (a) to give goat/s in zakaat; (b) to give sheep in zakaat; (c) to give the value of goats or sheep in monetary terms. The latter will be explained under the next section.

Baby goats (kids) and baby sheep (lambs) will also be included in the herd and flock when calculating zakaat.

However, in the above case if a sheep is given, it should be of the best quality, and if a goat is given, it may be of a lesser quality or grade.

There is no zakaat on wild animals and game such as buck, antelope, rabbits, deer, kudu, etc. However, if a farm owner purchased game for resale, then those animals will fall under the category of merchandise and zakaat will be levied accordingly.

In zakaat on goats or sheep, one has the choice to give male or female animals. But the condition is that each goat or sheep that is paid out in zakaat must be at least one year old.

There is no zakaat on donkeys, asses, and mules, even if these are free-roaming and free-grazing stock.

ZAKAAT ON CATTLE

In this discussion we will refer to oxen and buffaloes using the term 'cattle'.

This includes male and female, and animals of all ages. It also includes all type of buffaloes that are domesticated. Oxen refers to bulls and cows.

Here too, the condition is that the cattle must be of the saaima category, i.e. free-grazing animals for the major part of the year, and must be held for breeding or milking.

Oxen and buffaloes will be counted together to make up the nisaab, as mentioned under the zakaat of sheep and goats.

When adding the two different breeds of animals, one should consider which breed is more; then the zakaat will be given from that

category. So, if the oxen are more, than oxen will be given in zakaat, and if buffaloes are in greater number, buffaloes will be given in zakaat, according to the nisaab that appears below.

The basic nisaab for cattle is 30. If one has 30 cows and/or buffaloes, the zakaat is one cow or buffalo that must be a year old, not less. It may be male or female. The price of such an animal may also be given out in zakaat.

For 40 cattle, a two-year old cow or buffalo must be given in zakaat.

If the number of cattle reaches 60 then two one-year old heads of cattle must be given in zakaat.

When the number of cattle exceeds 60, then for every 30 heads of cattle, a one-year-old ox or buffalo must be given in zakaat; and for every 40 heads after 60 a two-year-old cow or buffalo is waajib in zakaat. Look at the following examples:

- (a) A person has 70 cattle; for the first 30 he will give a one-year-old animal in zakaat, and for the remaining 40, he will give a two-year-old animal.
- (b) If one has 80 heads of cattle then the zakaat will be 2 two-year-old animals, because in 80 there are two amounts of 40. (Remember, for each 40 the zakaat is two animals of two years)
- (c) For 90 heads the zakaat will be 3 one-year-old oxen or buffaloes, because in 90 there are three nisaabs of 30.
- (d) For 100 cattle the zakaat will be two 1-year-old animals and one 2-year-old animal, because 100 there are two nisaabs of 30 and one nisaab of 40.
- (e) In 120 heads of cattle, there are 4 nisaabs of 30, or, alternately, 3 nisaabs of 40. In such a case, the owner has the option of calculating the zakaat according to the nisaabs of 30 (which

means four 1-year-old animals), or according to the nisaabs of 40 (which means three 2-year-old animals).

ZAKAAT ON CAMELS

Though camel breeding is not so widespread in South Africa, we mention the zakaat pertaining to camels just for information purposes.

The zakaat of camels is quite straight forward and can be understood from the following table.

NISAAB OF CAMELS	ZAKAAT PAYABLE
5 to 9 camels	1 X 1 year old sheep or goat
10 to 14 camels	2 X 1 year-old sheep or goats
15 to 19 camels	3 X 1 year-old sheep or goats
20 to 24 camels	4 one-year-old sheep or goats
25 to 35 camels	One camel that is into its second year
36 to 45 camels	One camel that is into its third year
46 to 60 camels	One camel that is into its fourth year
61 to 75 camels	One camel that is into its fifth year
76 to 90	Two camels that are into their 3 rd year
92 to 120	Two camels that are into their 4 th year
After 120, the calculation starts from over again, i.e., one goat or sheep for the first five camels over 120, and so forth, as mentioned at the top of this table.	

ZAKAAT ON HORSES

Horses that are *saaimah* (i.e., horses that are kept only for breeding and that graze freely), are also subject to zakaat. Otherwise, there is no zakaat on horses that are not *saaimah*.

The owner of *saaimah* horse has two options when paying zakaat. He can either give the value of **one dinar for each horse** at the end of the zakaat year, or he may give one fortieth of the value of all *saaimah* horses in his possession. The latter is done by adding up the market value of all the horses and calculating two and a half percent of the total.

DINAR: This is a gold coin that was used in the time of Rasoolullah ﷺ and weighed approximately 4.374 grams. To get the value of this dinar, one must multiply 4.374 grams of gold by the price of gold per gram. The answer will be the value of one dinar in rands.

Note: This dinar is quite different to the current dinar that is used as currency in certain Arab countries. These modern-day dinars should not be used in the above calculation.

Horses that are kept for riding and are fed by the owner for most part of the year will not be subject to zakaat.

Horses that are bred for resale will be treated as stock and zakaat will be charged on the net value of those horses after twelve Islamic months.

6. *The nisaab of farm crops*

To understand the zakaat on crops, we need to explain the two types of farmlands in Shariah. One is termed *Ushri* and the other is *Kharaaji*. Zakaat is waajib on the crops that are harvested from *Ushri* farmland.

The term *Ushri* is derived from the word *ushr*, which means one tenth. This is usually the amount of zakaat that must be paid annually on the crops of such land; hence, the land itself is called *Ushri*. However, if the land is irrigated by the efforts of the owner himself, such as the current irrigation systems used on farms, or the old method of using

animals to draw and spread water over the land, then the zakaat on such land is one twentieth (i.e., half of one tenth). This lesser amount is out of consideration for the efforts and the financial investment of the farmer.

From the above we learn that if a land receives natural irrigation through rain or natural streams, rivers, etc., then the zakaat on its crops will be one tenth (ten percent). And if the landowner had to invest his own resources and equipment in watering his crops, the zakaat comes down to one twentieth or five percent.

Despite the above, in the terminology of the Muslim Jurists, *Ushri* has become the standard name of a certain category of farmland owned by Muslims, as shall be outlined in the next paragraph, even though at times the zakaat may be less than a tenth. The designation of *Ushri*, therefore, no more refers to the actual zakaat levy on the land; instead, it has come to be used as a name for certain types of lands, as explained in the next paragraph.

USHRI LAND

Ushri land is defined as follows

- a) Land that was captured by an invading Muslim army and was redistributed to Muslim inhabitants for farming.
- b) Land that was surrendered to a Muslim army without a struggle and was subsequently distributed among Muslim inhabitants for farming.
- c) A non-Muslim state that converted to Islam en masse, and the new Muslims retained ownership of their farms.

The above are all forms of *Ushri* land and the zakaat of *Ushr* will apply.

Ushr is an annual zakaat, to be paid once in a year, regardless of how many times crops are harvested in one year.

KHARAAJI LAND

This refers to the following types of land:

- a) Land that always remained in the possession of non-Muslim farmers.
- b) Land that was conquered by a Muslim army but the kuffar inhabitants were allowed to retain ownership over their lands and to continue farming.
- c) *Ushri* land that was sold by a Muslim owner to a non-Muslim. Once it comes into the possession of a kaafir owner, the land no longer remains *Ushri*.
- d) Muslim owned land or *Ushri* land that is captured or expropriated by a kaafir government.

The farmlands mentioned above are termed *Kharaaji*. *Kharaaj* is, therefore, a land tax levied by an Islamic government on farms owned by non-Muslim inhabitants.

Ushr and *Kharaj* are two technical terms of Shariah that refer to tax imposed on lands or farms by the Islamic State. However, there are differences between the two, as follows:

- *Ushr* is not merely a land tax but is also, from one angle, an act of worship, while *Kharaj* is entirely a tax that must be paid to the Islamic state. There is no element of *ibaadat* in this. For this reason, *Ushr* is also known *Zakaatul-Ardh* or the zakaat of land.
- *Ushr* is collected from Muslim landowners, while *Kharaaj* is taken from kuffar who own land.

- The amount to be collected in Ushr is fixed by Shariah, whereas there is no fixed amount for Kharaj. This will be left to the discretion and decision of the Islamic Government.
- Ushr is waajib on the actual yields of the land. If the land does not produce crops, either due to neglect of the owner to cultivate and till his land, or due to natural calamities, Ushr falls away. Whereas Kharaj is a tax on the land itself, not the harvests. However, if Kharaaji land is not cultivatable then Kharaj is waived.

Once a land becomes Ushri, it remains like that forever, until such land is purchased by Kuffar or is captured by Kuffar. If this happens then the ruling of Ushr will no longer apply to such lands.

Note that zakaat on the other forms of wealth mentioned in this booklet is purely and exclusively an act of ibaadat. Whereas Ushr is part ibaadat and part tax.

Another difference between zakaat on other forms of wealth besides land is that the one Islamic year has to pass for zakaat to become waajib, whereas in Ushr the passing of a year is not waajib

Another difference is that there is no nisaab for Ushr. Regardless of how small or large the yield of crops is from that the land, Ushr will still be waajib if the land meets the conditions of Ushr.

SOUTH AFRICAN FARMLANDS

From the above explanation it is evident that farms in South Africa are neither *Ushri*, nor *Kharaaji*. South Africa was never ever invaded by Muslim armies, lands were not captured by Muslim armies, and there is no Islamic government to levy *Kharaaj* on farms in this

country. None of the definitions rendered above apply to the farms in South Africa.

The same can be said about farmlands in non-Muslim or Western countries where there was never a Muslim invasion and lands were never owned by Muslims before; such lands can neither be termed *Ushri*, not *Kharaaji*. Allah Ta'ala knows best

Notwithstanding the above, some Ulema have stated that it is Mustahabb or meritorious for Muslim farmers in non-Muslim lands to take out five percent (if one's own irrigation system is used) or ten percent (for natural irrigation) of crops annually and distribute this to the poor and needy with the intention of zakaat. This is purely optional, not compulsory or faradh. Of course, such form of sadaqah will multiply the barakah in one's produce and will be a literal fulfilment of this command of Allah Ta'ala: ***“O People of Imaan! Spend from your pure earnings and from that which WE produce for you from the land...”*** Surah Baqara)

In cases where Ushr is not applicable, if crops are grown for resale purposes, then the owner is required to pay 2.5 percent of the cash in zakaat after 12 Islamic months. This will fall under the category of merchandise or trade stock.

There is no zakaat on vegetables, fruit, etc., that is grown in one's backyard. However, if such produce is grown as a business, for resale purposes, then the zakaat of stock will apply, as described earlier.

Since most Muslims own one of the first four types of zakaat wealth, viz. cash, gold, silver, and trade stock, this booklet focuses mainly on these commodities. However, in the interests of sharing further Islamic knowledge we mentioned the zakaat on crops as well. There are many more detailed rules pertaining to Ushr and Kharaaj that are discussed in the books of Fiqh. What we have provided readers with

in the above paragraphs is just the basic concepts of these two forms of land tax, for informative purposes.

ZAKAAT ON HARAAM WEALTH

Zakaat is not payable on wealth that is haraam, because all haraam wealth must be given out in charity in its entirety. As mentioned earlier, the purpose of zakaat is to cleanse **halaal** wealth; as for haraam wealth, there is no question of ‘cleansing’. The whole amount is polluted and must be gotten rid of.

If halaal wealth is mixed with haraam, then the owner should firstly endeavour to separate the haraam portion and give that out in charity without the intention of zakat or sadaqah. After doing so, zakaat will be paid on the balance if it is equal to, or more than the nisaab.

If one is unable to determine how much is haraam and how much halaal, then one is required to use one’s discretion with all honesty and in all earnestness to arrive at an estimate of what the haraam portion of that wealth amounts to. That estimated figure or slightly more should be distributed in charity, and zakaat to be paid on the balance. Along with this, one should engage in regular taubah for allowing haraam wealth to come into one’s possession.

ZAKAAT ON LOANS AND OUTSTANDING DEBTS

Under this section we will discuss the following:

- **Cash loans**
- **Debts incurred through credit purchases**
- **Liabilities for damages**
- **Other forms of liabilities**

A GENERAL RULE:

A general rule to remember is that for zakaat to be waajib on any wealth, the zakaat payer must have complete and unfettered ownership on that wealth. This means that along with owning that wealth, it must be in that person's complete control and possession. This rule will be referred to time and again as we explain the zakaat laws in this section.

Zakaat on loans and debts

Loans refer to money that was lent to another and has to be paid back some time later.

Debts in this context refer to money that is owed to one in lieu of a business transaction.

There are three types of such loans and debts, and the zakaat rules differ from one to the other.

THE THREE TYPES OF LOANS/DEBTS**THE FIRST TYPE:**

This is referred to as the “**strong loan**”. This applies to one of the following:

(a) Cash money in any currency, or gold and silver coins that were lent to another person with the agreement that the cash, gold, or silver would be paid back some time in the future;

(b) The price for goods that were bought on credit, and is owed to the seller. In financial terms this is referred to as a ‘receivable debt’ rather than a ‘loan’.

The Zakaat rules for such loans and receivables:

Zakaat on such a loan is waajib for the past years (i.e., for as many years as the money was owed to the lender). But this zakaat is only payable upon receipt of part of the loan or upon receipt of the full amount.

If the creditor (lender) is paid back his loan in full then he shall pay 2.5% of the entire amount in zakaat, for each year that the loan was outstanding. *The method of calculating zakaat for past years shall be explained later in this booklet.*

If the creditor receives **one fifth of the nisaab amount or more**, but not the full loan then he shall pay **2.5%** of that amount in zakaat. Anything less than **one fifth of the nisaab** that is paid back on that loan will not be subject to zakaat. However, that cash will be added to one's current assets and zakaat assessment will be done as usual at the end of that Islamic year.

Here are examples of the above rules. In these examples we assume the nisaab of zakaat is R8,000.

Example 1: The creditor/lender gave a loan of R10,000 rands to someone. After two years the borrower/debtor paid him back the full amount of R10,000. In this case the lender must pay zakaat on R10,000 for the past two years. Since the loan is more than the nisaab, zakaat is waajib.

Example 2: After two years the borrower paid back R1600.00 to the lender. Since the nisaab of zakaat in this scenario is assumed to be R8,000, this amount (R1,600) is one fifth of the nisaab. Therefore, the lender will have to pay zakaat of 2.5 percent on this amount (R1,600) for each of the past two years.

Example 3: After two years the borrower pays back R2,500 to the lender. Since this amount is more than one fifth of the current nisaab

(R8,000), the lender shall pay 2.5 percent of this amount (R2,500) for each of the past two years.

Example 4: After two years the borrower pays back R1000 off the loan. Since this is less than one fifth of the current nisaab (in our example), there is no zakaat to be paid by the lender. Instead, this cash will be added to his other assets and zakaat will be paid on the total amount for the current year only.

THE SECOND TYPE OF LOAN

Known as “**Medium Level Loan**”, this refers to the price of something owed to one for non-commercial goods or goods that are not trade stock. For example, A sells B a bed or a fridge or a computer for a fixed sum of money, and the agreement is that B will pay the price at a later stage. In other words, selling any item or commodity on credit, that is not for business purposes. In short, this category of debt will include the credit sale of any form of wealth, such as a house, property, land, furniture, clothing, machinery, vehicle, etc., as long as these are not stock or merchandise.

THE THIRD TYPE OF LOAN/DEBT

Known as the **Weak Loan**, this refers to wealth that is owed to someone in lieu of a right (haqq), such as the mahr (dowry) in nikah, the wealth exchanged for *khul’a* or for talaq, blood-money in the case of murder. Some Ulema have included in this category the inheritance one receives from an estate.

THE ZAKAAT RULING FOR THE MEDIUM LEVEL LOAN AND THE WEAK LOAN (TYPES 2 AND 3):

On both these types of loans zakaat is not waajib for the past years. When the loan is paid back then one may count the Islamic year for its zakaat from that date onwards.

If one already has zakaatable assets on which zakaat has to be paid, then the loan that is received will be added to the current assets and zakaat will be paid on the entire sum at the end of the Islamic year. This is the same as receiving additional money during the year and adding it to one's current assets.

Example:

Zaid sold household goods to someone for R10,000 on a deferred payment basis. The borrower only paid back that loan after two years. When he pays back the loan, Zaid does not have to pay zakaat on that amount for the past two years. However, if Zaid has cash on which he has to pay zakaat, he will add the R10,000 received to that cash and pay zakaat on the entire amount at the end of the current Islamic year. If Zaid does not have any cash in his possession, then he will pay zakaat on that R10,000 after 12 Islamic months, from the date of receiving payment.

ADVICE ON LOANS

For those who have other assets and wealth on which they pay zakaat annually, it is better to pay annual zakaat on outstanding loans and debts as well, so that when these loans are eventually paid back one does not have to do any a tedious and complicated calculations for previous years' zakaat.

- *If a debtor denies or disputes a debt, the creditor does not have to pay zakaat on the money owed to him. (Al-Jaami'us Sagheer)*

ZAKAAT ON UNPAID LOANS IS DEDUCTIBLE

If a loan is not paid back at all, then, as stated earlier, the zakaat on that loan is waived. But if one has already paid zakaat for that loan over several years, then the extra or additional zakaat could be converted to advance zakaat for the years ahead. To do this, one should keep a proper record of what was paid off on the outstanding loans. For example, one had an outstanding loan of R20,000. On this money, one was paying zakaat of 2.5 percent yearly. After 3 years the debtor passed away without leaving enough money in the estate to settle his debt; thus, the loan had to be written off. This means one had paid a total of R1,500 extra in zakaat. (3 years X R500) In such scenario, one is now entitled to deduct that extra zakaat from the zakaat of the next year, or the year thereafter.

OFF-SETTING ZAKAAT AGAINST A LOAN

If one is owed a certain amount of money and the debtor is unable to honour the debt, is it permissible to waive the debt and intend it as zakaat, if the debtor is eligible to accept zakaat?

There are two scenarios here.

- (a) If the zakaat payer has no other zakaatable assets, the loan being the only asset of value for him, then he may waive the loan (tell the debtor not to pay it) and intend that as zakaat. In this way his zakaat on that loan will be discharged.
- (b) However, if the zakaat payer has other assets on which he is paying zakaat then by freeing the debtor of the loan, the zakaat on that loan is not discharged. In other words, he may not intend that loan as zakaat for the debtor.

PAWNED ITEMS

Zakaatable wealth that has been pawned is exempted from zakaat. Thus, if one has pawned a gold ring or bangle, or a gold watch, or

gold coins, zakaat is not waajib on these items as long as they remain in the possession of the Pawnbroker. When doing zakaat calculations, these items do not have to be taken into account. However, once the pawned wealth is retrieved, one shall have to pay zakaat for past years on that wealth, if it remained in the possession of the pawnbroker for one full year, or more. This is the same rule that was applied to the first category of debts.

If one does decide to pay zakaat on pawned wealth even before retrieving it, this is also valid and its zakaat will be discharged.

If the pawned item is never ever retrieved, the zakaat on that item falls away. In this case, if zakaat was already paid on that item, such zakaat can be allocated to the zakaat for the next year, or the year thereafter, as stated [above](#).

BAIL MONEY/SECURITIES

The rules that apply to pawned items will also apply to bail money, or to collateral that is lodged as a security. Zakaat will not be waajib on this money while it is not in one's possession. However, when the bail money is eventually returned, zakaat for the past will be waajib. If one had included the bail money in the zakaat for that year, then zakaat does not have to be given a second time when the money is returned.

AMAANAT OR TRUST MONEY

Amaanat means a trust. This means wealth that has been placed into the possession of another person for safe-keeping. If one has given money or any other form of zakaatable wealth to another person for safekeeping, the zakaat on that wealth will be waajib, even though it still remains in the possession of the custodian. The reason for this is

that such wealth is still considered to be in the possession of the owner, and he or she is able to retrieve that wealth immediately. This is similar to money in one's bank account. Therefore, the owner of this wealth must include it in his or her zakaat calculations each year. The custodian of the amaanat is not allowed to pay the zakaat on such wealth without the permission of the owner. If he does so, he is liable to repay that amount which he had given in zakaat, and the zakaat of the owner will not be discharged.

If the owner authorizes the custodian to pay zakaat on the wealth in his possession each year, then that is valid and the zakaat on that wealth will be discharged.

MONEY IN A TRUST ACCOUNT

Sometimes when doing a business deal through the bank, the cash payment is made into the trust fund of an attorney, pending the closure of the deal or the transfer of the asset being purchased. Zakaat will not be waajib on those funds. The reason for this is that these funds are reserved for an impending purchase and fall within the category of a debt. It will be explained later in this booklet that one aspect of zakaat calculation is deducting of debts and liabilities. Money that has been lodged with the attorneys in the purchase of a property or any other asset is ring-fenced for that expenditure only. It is as if those funds have already left the possession of the purchaser. If in the above scenario the deal falls through or is cancelled for whatever reason, the funds in the trust account will be transferred back to the purchaser. In that case, the owner of the funds (who in most cases is the buyer) will then include these funds with his or her other zakaatable wealth and pay zakaat on the entire amount. In the majority of cases, such money remains for three or four months in the

trust account, so the question of zakaat payment for the past year does not arise.

If however, in a unique case, the money remains in that trust account for a year or more, then zakaat for the past year or more is compulsory.

ZAKAAT ON DEPOSITS, ADVANCED RENTALS AND PAYMENTS

Rental Deposits

When one rents premises for residential or business purposes, it is customary for the landlord to take advance rent as well as a deposit. Zakaat is not waajib on rental and deposits that were paid up front. This money has left the ownership of the tenant and belongs to the landlord. For zakaat to be waajib on any wealth it is necessary that such wealth be in the complete ownership of the zakaat payer.

The landlord also does not have to pay zakaat on that money since it falls within the category of a loan; it is wealth that he has to return to the owner upon the expiry of the lease of whenever the owner cancels the lease agreement.

When the lease expires and the tenant gets his deposit back, zakaat will be waajib on that money for the current year only; there is no zakaat on that for the past years.

Advanced Payments

Monies that are paid in advance for services or goods are also exempted from zakaat, because these funds have left the possession of the owner and belong to the service provider or seller. As stated earlier, for zakaat to be levied on any wealth one must have complete

ownership on that wealth and it must be completely in one's possession.

Examples of this are:

- Money paid to a builder who has been contracted to erect a house or building.
- Money paid to a supplier who will deliver the purchased item at a later stage
- Money paid to a Hajj agency for the Hajj and/or Umrah journey.
- Money paid as a deposit to a carpenter, plumber, electrician, or skilled person for work to be rendered in the future.
- In the above cases, zakaat will not be waajib on such advanced monies.

FROZEN ASSETS

At times the state authorities, for various reasons, freeze the bank accounts and assets of individuals. When this happens, the owner of such wealth has absolutely no access to this wealth. At times such wealth is not even returned to the owners, either partially or fully. Zakaat will not be waajib on frozen cash or any other form of zakaatable assets that have been impounded by the State. If these assets are one day released back into the ownership of the owner, he shall have to pay zakaat on that wealth for the past years. In other words, upon retrieving such wealth, zakaat becomes waajib for the year or years gone by.

INHERITANCE AND ZAKAAT RULES

There is no zakaat on wealth that has not yet been distributed to the heirs, irrespective of how many years elapse. The Shariah strictly

demands the distribution of inheritance and finalization of an estate expeditiously, as soon as possible after the demise of the testator. However, delays do occur at times, for a number of valid reasons, and at times for reasons that are not valid in Shariah. Notwithstanding this, if there is a delay in winding up the estate and allocating the shares to their respective owners, the heirs do not have to pay zakaat on their share of money from the estate. Likewise, if there is any zakaatable asset in the estate, such as gold or silver, zakaat will not be necessary on the heirs even if they receive their shares years later. In this case there is no zakaat for the years that have passed.

Upon receipt of one's share from the estate, the zakaat year (12 Islamic months) on that wealth will be counted from that date onwards.

As stated earlier, if the heir is in possession of zakaatable assets, then the wealth received from the estate will be added to the current assets and zakaat on the whole amount will be paid at the end of that Islamic year.

If the deceased had left being instructions for unpaid zakaat to be paid from his estate, then this has to be done soon after death. However, the heirs will only fulfil unpaid zakaat up to one third of the estate, not more. The heirs are not obliged to pay any more than a third of zakaat on the deceased's estate.

Inheriting a debt of the deceased

If the deceased was owed money by a third party, then that debt must be paid to the heirs of the deceased. In this case the heirs have inherited the right to claim that money from the one who owed it, and will share it according to their shares in the estate. As with other shares in the estate, the heirs will not be liable to pay the zakaat on this debt once it is paid in to the estate.

If a deceased was owed a debt of the first type (that is, a debt due from a cash loan or a business deal) and he had not paid zakaat on that outstanding debt before death, it will not be waajib on the heirs to pay the zakaat on that debt.

MONEY IN BANK ACCOUNTS

Money that one has in current, cheque account, or in a fixed deposit account, or an Islamic account, will be treated as normal cash and zakaat will be payable at the end of the Islamic year. In short, any money that one has in the bank, regardless of the type of account, is subject to zakaat and will be added to whatever other nisaab one possesses.

ZAKAAT ON AWAITED STOCK

A businessman does not have to pay zakaat on stock that is still en-route to his premises. This is what we refer to as 'awaited stock'. When goods come from across the border, either by ship or other means of transport, the trader has to wait for several weeks, and sometimes for several months before taking receipt of such stock. Meanwhile, he has already paid for the goods and is regarded as the de facto owner. For all intents and purposes, in the business world the one who ordered and paid for the stock owns it. However, in Shariah that stock is only subject to zakaat when it comes into possession of the owner or trader.

It must be noted that in the above case, when the stock is received by the owner, that is when the zakaat year is calculated. There is no zakaat on that stock for the past year. When that stock arrives, it will be added to his current stock for the current zakaat year.

Similarly, when the trader calculates zakaat on his stock for that year, the awaited stock will not be taken into account if it has not yet arrived at his premises.

PROVIDENT/PENSION FUNDS/RETIREMENT ANNUITIES

Before proceeding to explain the rules of zakaat related to these types of funds, it is necessary to briefly explain the different types of retirement funds. In the process we shall mention a few basic Shar'ee rules pertaining to these funds.

There are generally four types of retirement funds:

1. A pension fund
2. A provident fund
3. A retirement annuity (RA)
4. A preservation fund

1&2. The pension and provident fund

Pension and **provident** funds are offered by the company one works for – these are not available to the public for private investment. If the employer offers a pension or provident fund, it is usually compulsory to join; and premiums are deducted from the salary of the employee before he or she receives payment. The monthly contribution towards a pension or provident fund is split between employer and employee.

THE SHAR'EE RULINGS ON THE ABOVE

The money received from a Pension or Provident Fund is halaal. This has always been the ruling of senior Muftis before and even today.

Zakaat is not compulsory on the abovementioned pension and provident funds. Zakaat for past years will not be compulsory upon receiving a cash pay-out from this fund. However, upon termination of work or retirement the money one receives from this fund will be added to one's current assets and zakaat will be paid on the whole for the current year.

If the employee does not have any zakaatable assets when he or she received the pension pay-out, then the Islamic year will be counted from the date the money reflects in one's bank account. Zakaat will then be due one year from that date onwards.

3. The retirement annuity

A **retirement annuity** (RA) is like a personal pension plan and is available to individual investors on a voluntary basis. Since the individual takes out an RA in his or her own capacity, the investor will be responsible for the full monthly contribution. This is not connected to the company one works for.

THE SHAR'EE RULING ON THIS FUND

It is not permissible to invest in a retirement annuity because of the interest (riba) factor. This does not fall under any Islamic form of investment. The Shar'ee characterization of such an investment comes down to lending and borrowing. The investor has actually given the RA Fund a loan, and any extra amount received in return falls in the category of riba or interest.

If one has already invested in such a scheme then zakaat will be waajib annually on the amount that one has paid through contributions or premiums up to that stage. It is, therefore, necessary

upon the investor to keep track of payments made to date until such stage that the policy is cancelled or matures.

A pay-out received from this fund will not belong entirely to the investor. Instead, the investor is only entitled to the amount he or she has invested, while the balance of the funds must be given away in charity without the intention of thawaab. Zakaat is not waajib on the excess amount because it is haraam money.

4. The preservation fund

This is a fund that operates under the Pension Act and is designed for people who wish to invest the proceeds of their company sponsored pension or provident fund. Some pension funds allow an employee, on termination of employment (but not retirement), to invest his Pension pay-out in another fund called the Preservation Fund.

THE SHAR'EE RULING ON THIS FUND

It is not permissible to invest money into this Fund. In this investment, too, at some stage the investor receives an amount that is far more than the funds that were initially invested. This falls within the definition of ribaa or interest. The employee should opt not to transfer any pay-out from his Pension or Provident Fund into a Preservation Fund.

If one had already transferred money into this Fund then zakaat will only be waajib on the initial amount that was invested, while the extra amount received will have to be given away in charity.

Sometimes this Preservation Fund allows an investor to draw out cash amounts periodically. Zakaat will be waajib on these amounts. However, one has to keep proper record of the initial investment so as not to use more than the halaal money that was transferred into

the fund. As mentioned earlier, the excess amount is interest and is haraam. The same rule applies here as was mentioned under the Retirement Annuity ruling.

ZAKAAT ON INSURANCE

Insurance of property and life insurance is haraam. However, if one was forced to take out an insurance policy, the zakaat has to be paid on the premiums only. Therefore, the policy holder shall have to keep a proper record of the amount he pays into the policy and pay zakaat on the total at the end of every Islamic year. This means that at the end of each year the policy holder has to pay zakaat on the amount that he has paid into the policy since the time the policy started. (*Fataawa Uthmaniyya*)

ZAKAAT ON SHARES

Shares in this context refer to the Stock Exchange and similar platforms that offer shares in companies. Our view is that investing money on the stock exchange or in shares is not permissible because such investment does not fall within the Shar'ee definition of *shierkat* or partnership. An investment that does not comply with Shariah, and cannot be placed within any category that meets Shar'ee requirements, will end up being just a loan to the company in which one has invested. Any 'profit' or 'dividends' earned on such an investment will be regarded as a return on that loan, which, as stated earlier, is nothing but ribaa or interest.

Investing in the Stock Exchange or 'buying' shares on the Stock Exchange is not shariah compliant for it lacks the basic Islamic rules

and regulations that govern investment. The money thus invested is to be considered a loan to the company. The Shar'ee rule is that any dividend paid on a loan is haraam. Rasoolullah ﷺ is reported to have said: **“Every loan that generates a profit is ribaa.”** (*Bulooghul-Maraam*)

LOST AND STOLEN WEALTH

This refers to any zakaatable wealth such as gold, silver, cash, etc that went missing or was lost. If this wealth is recovered after a few years, zakaat is not waajib for the past years.

Likewise, wealth that was stolen and then recovered after a few years, the same rule shall apply: zakaat for the past years will not be waajib on such wealth.

Wealth that was given to someone for safe-keeping, or was stored in a safe-deposit box, and then forgotten, will be subject to zakaat when it is eventually retrieved. This means zakaat for the past years, for as long as that wealth remained in safe-keeping, shall have to be paid.

Wealth that was buried on the property of someone else, or that was buried in land not owned by anyone, and then forgotten will not be subject to zakaat. When this wealth is unearthed, it will not be necessary to pay its zakaat.

All the above laws were extracted from Al-Bahrur-Raa'iq of Allama Ibnun Nujaim RA.

ZAKAAT ON CONSUMABLES

A doctor who dispenses medicine has to pay zakaat on the medicine.

An optometrist who sells spectacles and related items, has to pay zakaat on those items. These constitute his stock.

A dentist does not have to pay zakat on his equipment and machinery, but if he sells toothbrushes, toothpastes, teeth-cleaning substances, dentures, etc. then he has to pay zakaat on these items, for these become stock-in-trade.

If a tailor sews garments and provides the material as well, then his material will be subject to zakaat, for that is his stock.

A person who dyes clothing and charges a fee, has to pay zakaat on the dye that he provides in rendering this service.

In short, any skilled worker or artisan who provides a service and also charges customers for certain equipment and materials, must pay zakaat on these items because they are regarded as merchandise.

In all the above, the stock on which zakaat is imposed must reach the value of the nisaab or more, in order for zakaat to be faradh. If these items are not equal to nisaab, zakaat is not waajib.

(The above rules were extracted from Raddul-Muhtaar of Allama Ibn Aabideen RA.)

A female who sells cosmetics or Tupperware products, or any commodity from home shall have to pay zakaat on her stock if it reaches the nisaab of zakaat after one Islamic year.

In all the above cases, if the stock/merchandise is depleted at the end of the 12-month period, zakaat will not be payable.

WEALTH ON WHICH ZAKAAT IS NOT WAAJIB

Besides the aforementioned six types of wealth, no other form of property or wealth will be subject to zakaat. For more clarity we mention hereunder the common forms of wealth that are exempted from zakaat:

- (a) Residential property (Houses).
- (b) Commercial property (flats, hotels, apartments, housing complexes).
- (c) Farms, small-holdings (which are not used for farming and agriculture).
- (d) Vacant lands, empty plots.

NOTE: In the properties mentioned above, from (a) to (d), there is no zakaat on their value. But if these properties are used to derive rental income, then zakaat is waajib only on the rental received. The cash received in rental will be added to one's other asserts at the end of the Islamic year and zakaat will be discharged accordingly.

Furthermore, if these properties were bought for the express and sole purpose of resale, then they fall in the category of stock or merchandise, in which case zakaat will be waajib on the market value of such properties.

- (e) Diamonds, platinum, rhodium, titanium, and any other metal besides gold and silver, regardless of how precious these metals are today. But if these commodities are for resale and retail then zakaat will be waajib on its market value at the end of the Islamic year.
- (f) All types of vehicles such as cars, bakkies, vans, trucks, etc.
- (g) Heavy duty machinery such as tractors, bull-dozers, front-loaders, and other construction and earth-moving machinery.
- (h) Equipment, machinery, tools, weapons, etc.

NOTE: In the items mentioned from (f) to (h) there is no zakaat on their value even if these are used for income; for example,

transport business, taxi-services, hiring out vehicles, machinery, or tools, industrial work, security company, etc. Of course, any cash derived from such work will be subject to zakaat, as mentioned earlier.

- (i) Furniture, appliances, clothing, cutlery, crockery, and other household goods.

In short, there is no zakaat on the machinery, tools, implements, and equipment of any industry that earns money by using these items. Of course, zakaat must be paid on the cash money that is derived in the course of manufacture and services.

If one retails any of the above commodities, then they become stock-in-trade and zakaat must be paid on the market value of these possessions.

SECT 2.2: THE WEALTH THAT HAS TO BE PAID OUT IN ZAKAAT

A person is required to give one fortieth of his or her assets in zakaat; that is, two and a half percent of the total, after deduction of liabilities or debts.

One is permitted to pay zakaat in kind, instead of cash. This means that one may give out any form of halaal goods or merchandise that is equivalent to the amount of zakaat that one must pay for that year. For example, after calculations, a person's zakaat amounts to R5000, then it will be permissible to give R5000 worth of groceries or meat or clothing in zakaat, instead of giving the cash.

Important note when paying zakaat in kind

When paying zakaat in kind, it is necessary to give goods that can be of immediate benefit to the recipient. The objective of zakaat is to provide immediate benefit and comfort to the poor. This cannot be achieved if the goods given out in zakaat are of no immediate use to the poor. For example, the zakaat payer gives out tools or equipment or machines to the value of his zakaat for that year. Clearly, the poor cannot derive immediate benefit from such items; instead, the items have to be sold or exchanged for cash, which can then be used to buy food and other household necessities.

While this form of zakaat is technically correct and will be discharged, the purpose of the zakaat is forfeited. Experience has shown that such items are eventually abandoned or discarded by the poor because they don't have the capacity or the avenues to sell such items. So, on the one hand the zakaat payer has discharged his zakaat

in a technical sense, but, on the other, he has not benefited the poor in the manner that Allah Ta'ala wants. It is important to keep in mind the objectives of zakaat.

RULES PERTAINING TO THE FULFILLMENT AND PAYMENT OF ZAKAAT

The niyyat (intention) of zakaat

The intention or niyyat is necessary when giving zakaat. One has to make a niyyat of zakaat when handing over the money to the poor. If a niyyat of zakaat was not made then the zakaat will not be fulfilled. The money given to the poor in such a case will be classified as nafl or optional charity and that amount of zakaat has to be taken out a second time.

A niyyat is the intention one has in the mind. There is no need to make a verbal intention. It is enough for a person to have in mind that "I am giving my zakaat."

It is also permissible to take out the zakaat and set it aside to be distributed later. In this case, the niyyat of zakaat that is made when taking out the zakaat money will suffice.

Thereafter, when giving that amount or part of it to the recipient, one does not have to repeat the niyyat. In other words, a niyyat of zakaat made when separating one's zakaat from other monies, is valid.

If zakaat money was set aside with the intention of zakaat, it is still permissible to use that money for other purposes. In that case a new intention of zakaat has to be made when separating the money, a second time.

It is permissible to pay zakaat in instalments, that is, paying a little off every month. In this case, one shall have to make a new intention every time an amount of money is given in zakaat.

Note: When paying zakaat in instalments, one should ensure that all one's zakaat is paid up before the end of the Islamic year.

If zakaat is given to an agent (*wakeel*) or an organization that will distribute the zakaat on your behalf, then the niyyat of the zakaat payer when handing over the money to the wakeel will suffice. When the agent or the representative of that organization distributes that zakaat they will not have to make the niyyat of zakaat.

However, if the zakaat payer did not make an intention when giving his zakaat to the agency, then the agency's representative or wakeel will have to make the intention of zakaat, or else the zakaat will not be fulfilled.

Note: When one gives zakaat to the agency or organization, and says to them at the time of handing over the money that, "*this is my zakaat*", it will suffice as a niyyat of zakaat.

It is not necessary to tell the recipient that the money he or she is being given is zakat. There is no need to even mention the word 'zakaat' when discharging the obligation. All that matters is the intention of zakaat in the mind.

Therefore, if at the time of handing over one's zakaat to the recipient one tells him or her that this is a "loan" or a "gift", the zakaat will still be discharged as long as the intention of zakaat was in the mind.

PAYING ZAKAAT IN ADVANCE

Zakaat may be given in advance, even a few years in advance. But the condition for this is that at the time of paying advance zakaat **one must be in the possession of the nisaab** of zakaat. If zakaat has been paid in advance, then that amount will be deducted from the total amount of zakaat at the end of the next twelve-month period.

If at the time of paying advance zakaat, the zakaat-payer was **not** in possession of nisaab, that advance payment will not be counted as zakaat. Such an amount may not be deducted from zakaat at the end of the Islamic year. However, such money will be counted as nafl or optional charity and will earn one the rewards of nafl sadaqah.

EASY GUIDELINES FOR THE DISCHARGE OF ZAKAAT

When one intends discharging the obligation of zakaat, follow these simple, basic guidelines. This is a brief overview of the procedure to follow.

- 1) At the end of the Islamic year (12 Islamic months) the zakaat payer will add up the total assets that he or she owns: This includes: cash on hand, cash in the bank, the value of any gold and silver (jewellery, coins, cutlery, etc.), stock in a business, outstanding loans, and livestock. Write this total down in one column on a sheet of paper. Mark this column as **ASSETS**.
- 2) It must be remembered that this amount must include any money or zakaat assets that came into one's possession during the course of the Islamic year, even a few days before the Islamic year ended.

- 3) Also remember that the basic nisaab or more has to be in one's possession from the start of the Islamic year. After that, whatever comes in during the course of the year will be added to the initial amount.
- 4) Values of gold and silver items must be calculated according to the price at the time of paying zakaat. For these values contact your local Ulema.
- 5) **In another column**, the zakaat-payer will then write down debts to be paid for the current month (that is, the month in which zakaat is to be paid). These debts include instalments on vehicles, properties, equipment etc., school or study fees, municipal/utility bills, clothing accounts, etc. for that month. Mark this column as **LIABILITIES**.
- 6) If the zakaat-payer owes someone a large cash amount that is outstanding, which is payable on demand by the creditor, this amount should also be written under the **LIABILITIES** column.
- 7) Now deduct the total in the **LIABILITIES** column from the total under the **ASSETS** column.
- 8) If the result is **equal** or **more** than the **nisaab**, then zakaat has to be paid at two and a half percent (**2½ %**) of that amount. If the result is **less** than the **nisaab** then zakaat is not compulsory. However, for the sake barakah and thawab one should give a small amount in sadaqah. The intention will be just normal sadaqah, not zakaat.
- 9) For more clarity we present overleaf a simple zakaat calculation sheet:

ZAKAAT CALCULATION TABLE

ASSETS	AMOUNT	LIABILITIES	AMOUNT
Cash in bank	R20,000	Car instalment	R4,000
Cash on hand	R20,000	Water bill	R1,000
Stock in business	R50,000	Phone bills	R1,500
1 gold coin	R30,000	Owing on stock	R30,000
Loan	R10,000	Rental for month	R10,000
Jewellery	R0.00	Personal Account	R5,000
Livestock	R0.00	Personal Debt	R10,000
Total Assets	R130,000	Total liabilities	R61,500
Assets (R130,000) minus liabilities (R61,500) = R68,500 (amount on which zakaat must be paid)			
Zakaat payable: $R68,500 \times 2.5\% = R1,712.50$			

DEDUCTING DEBTS FOR ZAKAAT PURPOSES

When calculating zakaat it is permissible to deduct debts/liabilities from one's assets. Readers will notice that provision for this was made in the above guidelines for zakaat calculations.

Deducting debts and liabilities means that after calculating one's total assets on which zakaat must be paid, the debts that one owes to others will be deducted from that amount. Thereafter, zakaat will be paid on the balance. (See this allocation in the zakaat calculation table above)

However, the question arises as to which types of debts are deductible from zakaat assets. Some debts are payable over a long period of time, such as the bond on a property, or the instalments on a higher-purchase agreement that is paid over many years. These are known as long term debts. Short terms are debts that have to be paid within 12 months or less.

The rule in this regard is that the full amount of a short-term or long-term debt is not deductible from zakaat assets. Instead, the zakaat payer will only deduct the instalment for the month in which he is paying his zakaat. Therefore, if a person has a bond on property, or is paying off a vehicle over a number of years, when calculating zakaat this person will only deduct the instalment or bond payment for that month; he or she will not deduct the whole outstanding amount on the property or vehicle, and will not deduct the settlement figure that the bank asks in order for the debt to be paid up.

Likewise, if the zakaat payer is paying a short-term debt on a monthly basis, he or she will only deduct the amount that has to be paid for the current month, that is, the month in which zakaat is due. The whole debt or the total amount that is outstanding is not deductible.

If a debt is incurred **after** the due date for zakaat, this will not be deductible.

If a sum of money is owed to another and the whole sum is only due after a few months, this debt is not deductible.

OTHER DEDUCTIBLE DEBTS AND DUES

The zakaat payer may deduct the following expenses and debts from his/her zakaat assets.

Note: ‘current month’ means the month in which zakaat is due.

- The utility bill for the current month. (Water, rates, lights, phone account, etc.)
- Rental for the current month
- Staff salaries for the current month
- Instalment due on a clothing, furniture, or appliance account for the current month.
- All monthly payments for lawful services

Haraam debts are not deductible at all. This will include monthly payments made towards a gambling debt, or instalments for a television set, or paying off an amount of interest to a bank or non-Muslim financial institution or for any haraam service.

CALCULATING ZAKAAT FOR PAST YEARS

If zakaat was not paid for a number of years due to negligence, it remains faradh and has to be paid.

When paying zakaat for past years, the current amount or current value must be taken into account and used for calculating the zakaat.

The method of calculating zakaat for past years is as follows:

- 1) Make a note the number of years for which zakaat has to be paid.
- 2) Make a note of the amount on which past zakaat is due. **This has to be the current amount, not any amounts or values of the past.**
- 3) Begin with year one. Calculate 2.5 % of the total amount for that year and write down the answer in a separate column titled “zakaat”.

- 4) Then deduct this answer from the total. Now calculate 2.5% on the remainder, for year 2. Write this amount under the previous amount in the “zakaat” column.
- 5) Thereafter, do the same for each year. Calculate 2.5%, write the amount under the “zakaat” column, then deduct it from the remainder. Do this until you have calculated zakaat for all the years that are outstanding.
- 6) Now add up the total in your “zakaat” column. This total is the zakaat that is due for the past years. See the sample below.

Period in years:		5	
Current capital:		R50,000.00	
NUMBER OF YEARS	ADJUSTABLE AMOUNTS		ZAKAAT
Year 1	50,000	50,000	1250.00
Year 2	50,000 – 1250.00	48,750	1218.75
Year 3	48,750.00 – 1218.75	47,531.25	1188.28
Year 4	47,531.25 – 1188.28	46,342.97	1158.57
Year 5	46,342.97 – 1158.57	45,184.39	1121.61
Total			5945.22

For those who have Microsoft Excel, here is a program that can be used to do the above calculations automatically. Just double click on the icon.



Past Zakat Calcs.xlsx

Feeding schemes and zakaat

During Ramadaan many Islamic organizations operate feeding schemes for the poor and provide meals for iftaar. Alhamdu-lillah, this is a laudable and commendable effort. The Quran and Hadith promise great rewards for feeding the poor.

In this regard, an important Shar'ee ruling pertaining to zakaat needs to be highlighted. For zakaat to be discharged it is necessary that the poor recipient be made the complete owner of that zakaat. This is called *tamleek* (making someone the owner). This means that the zakaat, whether in the form of cash or food, must be placed into the possession of the recipient.

If organizations use zakaat money to purchase and cook the food, then it is necessary that the food be given to each poor person individually. This means that people will come to the point of distribution with their containers, collect the food, and take it home. If this is done, the zakaat will be discharged, for then the condition of *tamleek* or ownership is found. But, if such zakaat-sponsored food is served at a venue to which the poor have been invited, and they are allowed to consume the food without taking it home, the zakaat will not be discharged. The reason for the zakaat not being discharged in this case is that no one has been made the owner of the food; instead, people have been allowed to eat of the food without actually taking it into their possession. Therefore, if this type of feeding scheme is operated then people should not use zakaat to sponsor the cooking. It will be permissible to donate lillah or sadaqah funds for this scheme.

The same applies to providing meals at the time of iftaar. All food is placed on the table-cloth at iftaar time, while people sit around and eat. None of the poor is being made the owner of any food. For such iftaar meals, zakaat may not be used.

If food is sent to distribution points and the poor in the area are asked to come and collect the food in their own containers, then such food may be sponsored with zakaat funds, for it is evident that the poor will own the food after collecting it at the distribution point and taking it home.

Mixing zakaat with lillah in soup kitchens

A feeding scheme is operated by a group of Muslims. Food is cooked in huge pots and distributed to hundreds of people. This group collects zakaat, sadaqah, and lillah funds. All this money is mixed together and used to cook the food. The food is then distributed to Muslims and non-Muslims, and some among the Muslims are not eligible for zakat. Normally, zakaat would not be discharged in this scenario because the food cooked with zakaat money is given out to non-Muslims or to Muslims who are not entitled to zakaat. And this is not valid.

However, there is a way that the zakaat of donors may be discharged in this scenario. It must be born in mind that when a zakaat collector mixes zakaat money with lillah money, then it is necessary for him to make a special niyyat (intention) of zakaat when distributing the zakaat portion of the money collected. If he does not do so, then the zakaat of donors is not discharged and the zakaat collector (or organization) is liable to pay that money back. Therefore, this is what the organization running this project needs to do:

- (a) The amount of zakaat donated to the feeding scheme must be carefully recorded.
- (b) Then a calculation should be done to determine how many people can be fed with that amount of zakaat, based on what the organization usually distributes to each recipient.

- (c) A reliable and responsible member of the organisation must be appointed to distribute that amount of food to Muslim recipients, and when doing so he must make the intention of zakaat. This is because the zakaat cash has been converted to food. The food being distributed is now zakaat, but there is also lillah money that has been converted to food. So, part of the food is zakaat, part is lillah. The distributor needs to make the niyyat of zakaat in order to separate the zakaat sponsored food from the lillah sponsored food.

This is a simple procedure that will ensure the zakaat that was mixed with other monies is effectively and lawfully discharged.

An example of the above:

A feeding scheme received R20,000 zakaat, which was mixed with lillah money. This amount is recorded. We assume, for this example, that calculations indicate that 400 people could be fed with twenty thousand rands (working on a rate of R50 per head). So, when distributing the food, 400 portions of food must be given to only Muslims, and the distributor must make a niyyat of zakaat when doing so. The niyyat just needs to be in the heart; there is no need for a verbal niyyat. The organization running this feeding scheme will appoint a responsible person who understands this rule to distribute the food to the 400 Muslims while making the niyyat of zakaat at the same time.

DISTRIBUTION OF FOOD HAMPERS

If food parcels or food hampers are purchased with zakaat money and distributed to recipients, this is valid and the zakaat of the donors will be discharged. In this case too, the condition is that the poor recipients must take full possession of the food parcel.

SECTION 3: THE RECIPIENTS OF ZAKAAT

Under this section we shall explain:

- Who is entitled to receive zakaat?
- Rules and conditions pertaining to zakaat recipients
- Purposes for which zakaat may be used

AVENUES FOR ZAKAAT DISBURSEMENT IN THE HOLY QURAN

Note: All information and laws in this category have been extracted from the book *Jawaaharul-Fiqh* by the former grand Mufti of Indo-Pak, Hazrat Mufti Muhammed Shafee رَحْمَةُ اللَّهِ. Where the information is from another source, this will be mentioned in brackets.

In Surah Taubah, verse 60 Allah Ta'ala has listed eight categories of people to whom zakaat may be given. We quote the verse with its translation:

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا

وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ

وَابْنِ السَّبِيلِ فَرِيضَةٌ مِّنَ اللَّهِ ۖ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Zakaat must only be distributed to the poor, the destitute, the officials appointed over zakaat, those whose hearts are to be won over to Islam, to free slaves, to those in debt, in the Path of Allah, and to the wayfarer. And Allah is All-Knowing, Wise.

Before we proceed to the details of these eight categories, let us consider a few important principles that emerge from this verse of the Holy Quran

In this verse the word *sadaqah* has been used for zakaat. As explained at the start of this booklet, the word *sadaqah* is used for both optional (nafl) and compulsory (waajib) charity. According to the unanimous opinion of Ulema of the Ummat, in the above verse *sadaqah* means the waajib form, which is zakaat.

Zakaat is a right that the poor have over the rich. The wealthy must thank Allah Ta'ala that HE created people who will accept their zakaat and cleanse their wealth. Reference was made to this at the start of this booklet.

The recipients of zakaat have been specified and determined by Almighty Allah Himself. Allah Ta'ala has not left it to the discretion of the zakaat payer. The zakaat payer cannot give zakaat to just anyone he or she wishes. There is, without any shadow of doubt, great wisdom in the specification of Allah Ta'ala and His categorization of zakaat recipients.

Details of the eight categories

The following are the eight types of recipients mentioned in the Holy Quran:

- (1) **Fuqaraa – Poor**
- (2) **Masakeen – Destitute**
- (3) **Zakaat collectors**
- (4) **Muallafatul-Quloob – Those whose hearts are to be won over to Islam**
- (5) **Freeing of slaves**
- (6) **Debtors**
- (7) **Fee Sabeelillah**
- (8) **Wayfarers (travellers)**

Each category will now be explained. It must be noted that the abovementioned categories cannot be understood in a literal sense, or just by a loose translation. Each category has been interpreted and explained with a peculiar meaning and in a specific context. For example, the terms poor and destitute do not mean just any poor person or any destitute. Shariah has attributed a special meaning to these terms. Likewise, the category of '*fee sabeelillah*' literally means 'in the Path of Allah'. But zakaat cannot be given to any project that falls under '*fee sabeelillah*', or to just any person who is in the Path of Allah. It is, therefore, imperative that we understand these terms in the manner that they were interpreted by Rasoolullah ﷺ, his Sahaaba رَضِيَ اللَّهُ عَنْهُمْ, and the Muslim Jurists who came after them.

Before proceeding with the definition of the above categories, there are two important conditions pertaining to the recipients of zakaat that must be born in mind. These conditions are vital to the validity of zakaat. One is, the recipient must be a Muslim; the other is *tamleek* or making the recipient the owner of the zakaat. In all the above eight

categories, these two conditions must be adhered to, or else the zakaat will not be discharged. Zakaat can only be given to a Muslim; and the recipient must be made the owner of the zakaat wealth.

Distribution of sadaqah to kuffar

It is not permissible to give any waajib form of sadaqah to the kuffar. Waajib forms of sadaqah are zakaat, sadaqatul-fitr, kaffara, etc. However, nafl sadaqah may be given to non-Muslims. In fact, the hadeeth encourages this. Rasoolullah ﷺ said:

تَصَدَّقُوا عَلَى الْأَدْيَانِ كُلِّهَا

“Give sadaqah to all religions”

The sadaqah referred to in this hadeeth is the optional form of charity, known in Arabic as ‘sadaqah’. When we see kuffar suffering poverty, drought, or starvation, then it is a highly meritorious act to assist them with sadaqah. When the kuffar of Makka were suffering drought and famine, Rasoolullah ﷺ sent 500 dirhams from Madina shareef to Makka Mukarramah, for the purchase of grain and food. (*Raddul-Muhtaar*)

However, in this regard it must be born in mind that the purpose of giving sadaqah to kuffar is to alleviate their poverty and provide relief. The command, therefore, is to give nafl sadaqah directly to poor non-Muslims. The point of note here is that Muslim individuals or organisations should give nafl sadaqah to the suffering poor kuffar directly, not through the medium or agency of non-Muslim organisations. This form of sadaqah should not be given to non-Muslim organisations and kuffar NGO’s, for two main reasons: one is, there is no guarantee that the non-Muslim organization will distribute that sadaqah in a manner that complies with our Shariah;

second, the non-Muslim NGO's might use such sadaqah for religious purposes, which is also contrary to Shariah. It is not permissible for Muslims to donate to any religious group or religious organization. It is for this reason that we say the nafl sadaqah should be given directly to the non-Muslims, and it should be given strictly to alleviate their mundane suffering and plight; not for any other objective.

1 & 2. Fuqaraa and masaakeen

The term fuqara is plural for faqeer. The literal translation of faqeer is one who is poor. In shariah this term is used for one who does not possess wealth that is to the value of nisaab.

Masaakeen is plural of *miskeen*. This means one who possesses absolutely nothing; one who is a complete pauper.

The commentators have differed on the meaning of these two terms. But what they all agree on is that both the *faqeer* and the *miskeen* are people who do not possess the nisaab of zakaat, and who own meagre worldly possessions. Both these two categories of people may be given zakaat provided they are Muslims.

When Rasoolullah ﷺ sent Hazrat Mu'aazh bin Jabal (radhiyallahu anhu) to Yemen, he instructed him, among other things, to *take zakaat from the rich Muslims and return it to the poor among them*. From this hadeeth we learn that the zakaat of Muslims must go back to poor Muslims only.

3. The 'aamileen of zakaat

The third category mentioned in the above verse is the zakaat worker. The term *aamileen* means those officials who are appointed by an Islamic State to collect and oversee zakaat. Such officials will be paid for their services from zakaat, even though they may be wealthy and

or may possess the nisaab. In reality, they are not given zakaat because of poverty; rather, they are being remunerated for their work in collecting zakaat and delivering it to the poor.

An important point to note here is that these officials are appointed by a Shar'ee constituted Islamic government. People who work for zakaat organizations or NGO's do not fall within this category. Therefore, it is not permissible to use zakaat to pay such workers and officials salaries.

Shariah has granted the Islamic State a wide arrange of powers, including the overseeing and collection of certain zakaat funds on behalf of the poor. The Islamic State, therefore, acts as a proxy or representative of the poor and needy. Such authority vests only with an Islamic State. Private organizations or non-Muslim governmental bodies do not hold such authority; so, those who work for them may not be paid with zakaat funds.

The general rule is that salaries for workers may not be paid with zakaat money.

The UN refugee agency

This is a global organization based in Switzerland that assists refugees world-wide; they also collect and distribute zakaat. This body is headed by non-Muslims. We advise Muslims **not** to donate zakaat to this and similar international organizations, as we are not aware of how and where the zakaat is distributed. Here in South Africa, there some reputable Muslim organizations that could be used to assist Muslims in poverty or disaster-stricken countries.

It is permissible for a Muslim to instruct his non-Muslim (kaafier) worker to deliver zakaat in cash or kind to recipients whom he (the Muslim employer) has identified.

If the Muslim employer did not identify a recipient, but made a niyyat of zakaat when sending his non-Muslim worker to distribute zakaat, then his zakaat will only be discharged if the non-Muslim worker gave to the correct recipients. If he gave that zakaat to people who are not eligible for zakaat, it will not be discharged.

Stipends

It is permissible to give stipends to workers who work for zakaat and charity organizations, not as a wage but as a monthly allowance, provided these workers are eligible to receive zakaat. In this case, the stipend is not a wage, and should not be recorded as such. The Islamic rules that apply to employees and their salaries will not apply to these stipends. For example, the stipend can be stopped at any time, even if the individual had done the work required of him or her; or the stipend may be given to a worker who remained absent from work or who rendered incomplete work. Furthermore, if such workers are not eligible for zakaat, then it will not be permissible to give them a stipend from zakaat.

A stipend is an amount that is paid regularly to someone for work rendered, but is not regarded as a wage.

4. *Al-muallafatul quloob*

The fourth category in the list of zakaat recipients is a group of people termed *al-muallafatul quloob*, meaning *those whose hearts seek to be conciliated*. This refers to such kuffar whom, if they are given zakaat, will incline and draw closer to Islam. This was a means of winning their hearts over and encouraging them to accepting Islam.

This category of people was given zakaat in the time of Rasoolullah ﷺ in order to win them over to Islam. However, in the time of Hazrat Abubakr رَضِيَ اللهُ عَنْهُ, the first Khalifah of Islam, this category was excluded from the list. Since then, the law is that such non-Muslims will no longer be given zakaat.

The question arises: How could Hazrat Abubakr رَضِيَ اللهُ عَنْهُ remove a zakaat recipient from the list when it has been categorically mentioned in the Holy Quran? The answer is found in the Islamic principle of Abrogation.

Abrogation – Naskh

Abrogation means to cancel. In Shariah it means the cancelation of an injunction that was ordained during the early stages of Islam, or the substitution of one rule with another. In other words, either a rule was totally abolished, or a lenient rule was substituted with stricter command, and at times, a strict injunction was replaced with a lenient one. There were many rules of Islam that Allah Ta'ala had revealed in the beginning of Islam, and then abrogated them later on. This was to facilitate the transition from a lenient set of rules to one that is stricter and more stringent, as shall be seen from these examples:

- Initially wine was lawful for Muslims; afterwards, it was totally abolished.
- Initially, it was permissible to make a wasiyyat in favour of one's parents; later on, this rule was abrogated.
- Initially, Muslims had a choice of fasting or giving fidya; later on, the fast was made compulsory on every able-bodied, healthy baaligh Muslim, and the fidya was only allowed for the very old and those who were terminally ill.
- In the early stages of Islam, the Tahajjud Salaah was faradh; later on, this rule was relaxed and it became optional.

These are a few examples of many. In like manner, initially those kuffar who were inclined to Islam were given zakaat to win them over to the Deen. Later on, when Islam became strong and the number of Muslims had swelled considerably, these kuffar were removed from the category of zakaat recipients. There was no need to give people incentives with zakaat to bring them towards Islam. When Hazrat Abubakr رضي الله عنه announced this law to the Sahaaba, there was unanimous acceptance by all. There was not a single Sahaabi who dissented. Thus, the exclusion of the *Muallafatul-Quloob* from the zakaat recipients was based on a consensus among the Sahaaba. They all understood that this is what Rasoolullah صلى الله عليه وسلم wanted before he departed from this world. This law was thus standardized forever. Therefore, today, it is not permissible to give zakaat to any disbeliever or non-Muslim

5. *Emancipation of slaves*

This category was applicable in times when slavery was in vogue, and it refers to one specific type of slave; not to slaves in general. This particular type of slave is one who has an agreement with the master to pay a certain amount for his or her freedom. The moment the slaves pays over this amount to the master, he or she will be free from the bond of servitude. It will be permissible to give this slave zakaat in order to secure freedom from slavery.

6. *Debtors – paying debts with zakaat*

A debtor is one who is in debt; one who owes money to others. According to the Holy Quran, if a debtor does not possess enough money to pay his debts, it will be permissible to give him zakaat, or to settle that person's debts with zakaat funds.

If one has debts, but has sufficient assets to settle those debts, such a person may not be given zakaat.

Important note: Assets in this case refer to any wealth that could be liquidated to settle the debt, not necessarily the wealth of zakaat.

If a person possesses the nisaab of zakaat but his debts are far more than his assets, he or she may be given zakaat.

Some Fuqaha are of the opinion that debts that were incurred through unlawful activities may not be settled with zakaat funds. For example, a person who incurred debts through gambling, or through a drug addiction; it will not be lawful to pay such a person's debts with zakaat money. This is the fatwa that will be applicable in today's times.

Likewise, a person who is extravagant and spendthrift will not be given zakaat to settle debts that have accrued due to wasteful expenditure, or because of an extravagant lifestyle. To assist such people is contrary to the objectives of zakaat.

When settling accounts and debts of people who are genuinely in need through zakaat, it is necessary to get their consent or permission to do so. It is also sufficient to inform or notify them that the debt will be settled. There is no need to mention the word 'zakaat', or to specify that the debt will be paid with zakaat.

Madresa Fees

Madresa fees for students and needy learners could also be paid with zakaat money. This could be done by drawing up a form for the parents to sign. On this form the parents or guardians of the learners will firstly, accept the monthly fee charged by the madresa for the learner, and secondly, authorize the madresa to pay that fee on their

behalf. In this case, too, there is no need to mention the word zakaat, or to state that the madresa will be paying fees with zakaat funds.

7. *Fee sabeelillah*

The seventh category of zakaat recipients as mentioned in the Quran is ‘fee sabeelillah’, meaning, in the Path of Allah.

Clarifying a common misconception

Those who suffice with just a literal translation of the verses of the Holy Quran have completely misunderstood and misinterpreted the application of the term “in The Path of Allah” in this verse of zakaat. “Fee sabeelillah” does not mean just any form of Deeni or Islamic activity, or any Deeni project, like building musjids or madresas or orphanages. Zakaat cannot be used for these activities and projects. As stated earlier, the underlying factor or principle in zakaat is that the recipient must be given ownership of the zakaat money. In erecting a masjid, or madresa, or a hospital for the poor, or an orphanage with zakaat money, the poor do not have possession of the zakaat money, nor do they have possession of the structure that was built with zakaat; hence, such zakaat will not be discharged. It is imperative that we understand these terms in the light of the authentic tafseer as conveyed by Rasoolullah ﷺ and his Sahaaba.

The meaning of Fee Sabeelillah in this context

The term *fee sabeelillah* applies to those individuals who are in the Path of Allah, but do not possess the resources to fulfill their tasks. The Fuqaha have mentioned the following people under this heading:

- (a) The first and primary recipient in this category is the man who intends going out in Jihaad but has no funds to purchase weaponry and/or means of transport, or he has money in his possession but it is insufficient to fulfill his requirements. Such

a mujaahid may be given zakaat money to purchase what he needs for the jihad campaign.

- (b) The second is one intending to go for Hajj but does not possess the means, or has insufficient means. This individual may also be given zakaat to complete his or her Hajj journey.
- (c) The third is the student of Deen who is away from home and in need of funding to further or to complete his studies. Zakaat may be given to this student even if his parents are wealthy. Of course, this student must not be in possession of the nisaab of zakaat, for then it will not be permissible to assist him with zakaat
- (d) Based on the above, the Ulema have also included in this category any Muslim who intends pursuing a valid Deeni activity that requires funding which he does not possess. For example, a person going out for tableegh, or to teach Deen in places where there is no madresa, or to give lectures to people who have no source of Deeni knowledge, provided the individual undertaking these tasks has been mandated by reputable Ulema and/or Islamic institutes.

In points (a) to (c) it will be permissible to give these people zakaat even if they possess funds to the value of nisaab, but are too little to achieve their objectives.

8. *The wayfarer – a musaafir*

It is permissible to give zakaat to a traveller who has no money whilst on the journey, even though the traveller may have lots of wealth at home. However, if the traveller is able to access the funds at home, then he will not fall under this category, and it will not be permissible to give such a traveller zakaat. Nowadays, people have credit cards and do online banking via a cell-phone app; if they are travelling and

happen to be in need of funds, it is a mere formality for them to access these funds with the use of a credit card or banking app. Such travellers may not be given zakaat.

It is permissible in the Hanafi mazhab to give zakaat to one or more of the seven categories. It is not necessary to give a portion of one's zakat to each of the seven categories that have been described above. One may give all the zakaat to only one category, or to a few among the seven.

The Fuqaha have also mentioned that among the objectives of Deen is assistance in the learning and spread of Islamic knowledge. For this reason, it is highly commendable to give zakaat to students of Deen who are in need.

GENERAL RULES ON ZAKAAT DISTRIBUTION AND RECIPIENTS

In this section we shall mention general rules pertaining to zakaat distribution that have not been covered in the above paragraphs. Zakaat payers need to read through these rules carefully, for the validity of zakaat depends on distribution to the correct recipient.

It is not permissible to give zakaat to a Sayyid. A Sayyid is a descendant of Rasoolullah ﷺ. As mentioned at the start of this booklet, zakaat is given to cleanse the wealth of the giver; such dirt may not be given to Rasoolullah ﷺ or to any of his family members or descendants. Regardless of how poor the Sayyid is, he or she may not be assisted with zakaat. These nobles should be assisted with nafl sadaqah or lillah funds.

Zakaat to relatives

It is not permissible to give zakaat to one's parents, grand-parents, and above; nor can zakaat be given to one's children, grand-children, and lower. In other words, zakaat may not be given to one's roots or to one's offspring. Such zakaat will not be discharged. If these relatives are in need, nafl sadaqah or non-zakaat funds should be used to assist them and provide relief.

It is not permissible for spouses to give zakaat to each other. The husband may not give his zakaat to the wife, nor shall the wife give her zakaat to her husband.

Zakaat may be given to all other relative besides the above. To be more specific, zakaat may be given to brothers, sisters, father-in-law, mother-in-law, brother and sister-in-law, nephews, nieces, uncles, aunts, cousins, and other distant relatives.

Shariah encourages giving zakaat to poor relatives who are eligible for zakaat, as mentioned above. There is more reward in this than giving zakaat to outsiders, unless the latter group is more needy.

Zakaat to people who own redundant items

If a person owns items or goods that are not being used, and that have a value equal to, or more than the nisaab of zakaat, zakaat may not be given to such an individual. Some examples are provided below.

A person who possesses old furniture that is not being used but has been stored in the garage or a warehouse, and the value of that furniture is equal to, or more than the nisaab of zakaat. While this individual may not be required to pay zakaat, he or she may not accept zakaat either. Zakaat given to such a person will not be discharged.

Similarly, a person has an old car that is not in use, and may not even be drivable, but the value of that old vehicle is equal to or more than the nisaab; this person is not eligible for zakaat.

Goods or items that are being used by the individual on a regular basis will be excluded from the above rule. If a person has household furniture, cutlery, utensils, etc. that have a huge value but are in daily use, such a person may be given zakaat, provided the recipient has no other cash or savings.

A person who owns a piece of land that is not being used may not be given zakaat, because clearly, the value of a vacant land is far higher than the nisaab of zakaat. While this individual may not be required to pay zakaat, at the same time he or she may not accept zakaat.

The same rule as above will apply to one who owns redundant machinery or equipment. The value of such items will be higher than the nisaab, but since they are redundant and not in use, the owner will not be required to pay zakaat, but at the same time, will not be allowed to accept zakaat.

A person owns a property from which rental income is derived, but the income is just enough to cover his and his family's expenses, after which there is no money left over. Such a person may also be given zakaat. However, the Mas'ala regarding [wasteful](#) spending must be also be considered in this case.

Zakaat given in error to an undeserving recipient

If zakaat is given to an individual with the understanding or belief that the recipient is eligible for zakaat, but afterwards the zakaat payer discovers that the recipient had wealth to the value of nisaab, that zakaat will be valid. The giver does not have to repeat the zakaat.

Likewise, zakaat was given to someone while believing that person was deserving of it, only to discover afterwards that the recipient was not a Muslim, or was one's offspring or one's parents, or was among the descendants of Rasoolullah ﷺ, the zakaat will be discharged and does not have to be taken out a second time.

However, in the above cases, the *recipient* will not be allowed to use that money if he or she knows it is zakaat. They should either return it to the giver, or give it away in sadaqah.

When giving zakaat to anyone, there is no need to question the person as to his or her financial status, such as querying whether the person owns the nisaab, etc. It is enough to use your discretion and judge the needs of the recipient outwardly. If your heart attests to the fact that this particular individual is deserving of zakaat, it will be permissible to give zakaat to that person.

It is not permissible to use zakaat to pay for the burial expenses of a deceased. However, if a deceased leaves behind poor family members, the zakaat may be given to them, and they in turn can settle the funeral and burial expenses of their deceased member.

If authentic Islamic literature will be distributed among the poor and needy, such as madresa learners in poor areas or to Muslim prisoners, then zakaat may be used to print or purchase such literature.

For those who transfer zakaat into bank accounts, part of that zakaat money may not be used to pay deposit fees and other bank charges. Either the zakaat payer adds an extra amount to cover bank charges, or these charges are paid by the beneficiary.

Zakaat may be distributed to Muslim prisoners in cash or in kind, such as purchasing stationery, text books, toiletries, or food for them, even while they are incarcerated.

Giving zakaat to people of false sects

It is not permissible to give zakaat to people who maintain beliefs of kufr and shirk, such as the Shiah, or those who claim they believe only in the Quran, and not the Sunnah, or those Salafis who insult and speak ill of the Imams of the mazhaahib.

Likewise, zakaat may not be given to those about whom it is known that they will use the zakaat funds to further and propagate their false beliefs.

SADAQATUL-FITR

Sadaqatul-Fitr, commonly known as “Fitrah” is a waajib form of sadaqah that is given on the day of Eidul-Fitr, the Eid that comes after Ramadaan. Since this sadaqah is waajib, it is usually discussed after the subject of zakaat.

The purpose of fitrah

Sadaqatul-fitr has been ordained by Shariah to enable the poor to have food for the day of Eid. This purpose should be foremost in mind when fulfilling this obligation.

CONDITIONS FOR THE SADAQATUL-FITR OBLIGATION

There are two types of people on whom sadaqatul-fitr is waajib:

1. One is a person upon whom zakaat is waajib. Whoever must pay zakaat shall have to pay the fitrah as well. Therefore, the same conditions that applied to zakaat obligations will apply to the sadaqatul-fitr obligation.
2. The second is a person who may not be required to pay zakaat because he/she does not possess the nisaab of zakaat, but owns excess wealth of any type, which is not in use and is equal to, or more than the nisaab of zakaat. In this case, the wealth spoken of here is besides the five common types mentioned under zakaat, i.e., gold, silver, cash, stock-in-trade, and livestock. Basically, any items, goods, commodities, possessions that are not in use but are redundant, will fall under this category, and if such possessions equal the nisaab, sadaqatul-fitr will be waajib.

Below are a few examples to illustrate this Mas'ala:

- (a) Someone owns an old car that is not drivable, and its value as it stands is equal to the nisaab of zakaat.
- (b) A person has furniture stored in his garage or storeroom which is not being used, and the value of that furniture in its current condition equals to the nisaab of zakaat.
- (c) A woman has sets of pots and pans packed away in her cupboards that she hardly uses, and the value of these items is equal to nisaab.

In all the above cases the owners of these items shall have to pay sadaqatul-fitr when the day of Eid arrives.

A man must pay fitrah on behalf of himself and his minor (*na-baalig*) children.

A man does not need to pay the fitrah on behalf of his wife. She will pay her own fitrah. She may also request the husband to pay the fitrah on her behalf.

Likewise, a man does not need to pay sadaqatul-fitr on behalf of his parents, grand-parents, and adult (*baaligh*) children, even if they live under his roof. If these people are in possession of the nisaab mentioned above, they will pay their own fitrah.

If minor children have their own wealth, then the father may pay their sadaqatul-fitr from their wealth.

If a man pays the sadaqatul-fitr on behalf of his wife, parents, adult children, or any family member who lives under his care, without their permission, it will be valid and these people are not obliged to take out fitrah a second time.

When dawn breaks on the morning of Eid, the sadaqatul-fitr becomes waajib.

It is sunnat to pay the fitrah before Eid Salaah, but permissible to pay it after Eid Salaah as well.

If the fitrah is not paid on the day of Eid, it remains waajib for a lifetime. One who has not paid fitrah for several years, shall have to pay it at some stage in his or her lifetime, otherwise a wasiyyat has to be made for the fitrah to be paid from one's estate.

The Fitrah Amount

The fitrah amount may be ascertained from your local Imam or Ulema council, because this amount varies from place to place. Since the purpose of fitrah is to provide meals for the poor on Eid day, those who can afford it should give more than the standard amount. In some places, especially in view of the high cost of living, the basic fitrah amount is not even enough to buy one plate of food.

As in zakaat, fitrah may also be given in the form of food hampers or grain or rice, etc.

Fitrah may also be given in advance, such as at the start of Ramadaan, or a few days before Eid.

The recipients of fitrah

The recipients of Sadaqatul-Fitr are the same as zakaat. Whoever can receive zakaat may also be given fitrah.

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Al-Hidaayah of Imam Abul Hasan Margheenani RA

Ghaayatul Bayaan of Allama Ameer Kaatib Al-Itqaani RA

Raddul-Muhtaar of Imam Ibn Aabideen Shaami RA

Al-Bahrur-Raa'iq of Allama Ibn Nujaim RA

Fathul-Mu'een of Imam Muhammed Mulla Miskeen RA

Tahtawi on Maraaqil by Imam Ahmed bin Muhammed Tahtawi RA

Imdaadul-Fataawa of Hazrat Moulana Thanwi RA

Bahishti Zewar of Hazrat Moulana Thanwi RA

Imdaadul-Ahkaam of Hazrat Mufti Zhafar Uthmani Ra

Jawaaharul-Fiqh of Hazrat Mufti Shaafe Uthmani RA

Ahsanul-Fataawa of Hazrat Mufti Rasheed Ahmed RA

Fataawa Qaasimiyya of Hazrat Mufti Shabbeer Ahmed Qaasimi

Fataawa Uthmani of Hazrat Mufti Muhammed Taqi Uthmani

Fataawa Haqaaniya of Darul-Uloom Haqqani (Pakistan)